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by various authors

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SPEECH

OF

MR. M^CDOWELL, OF OHIO,

ON

THE TARIFF.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 3, 1844.

The bill reported by Mr. McKAY from the Committee of Ways and Means, to alter, modify, and amend the tariff act of 1842, (Mr. HOPKINS in the chair,) being under consideration before the House in Committee of the Whole on the state of the Union—

Mr. McDOWELL said:

Mr. CHAIRMAN: I have listened with profound attention to the arguments of gentlemen who have preceded me in this discussion, and I have endeavored to weigh them with impartiality; and but for the relations which I sustain to a portion of the great agricultural West, and the close and intimate connection of their interests with the principles involved in this bill, I should have adopted the course which I pursued at the early stages of this session, of awaiting the result, and casting a silent vote. But, sir, if I rightly understand the objects of this bill—if I properly apprehend its operation upon the country—it holds out a great inducement, not only for my vote, but for my voice in its defence. It proposes a reduction of the burdens imposed by the present tariff law upon the great agricultural interest of the country, in which the intelligent people I have the honor to represent are embraced. To the success of such a proposition that class would look with the greatest solicitude, because its profits are less in proportion to the capital and labor employed, and more hardly obtained, than those of any other class within the limits of the Union. Their labor is the capital of the country, upon which the prosperity and happiness of all other classes depend; but when we look to the course of legislation heretofore pursued in regard to its interests, and recollect the various methods devised by almost all other classes and professions to draw from the agricultural class an undue proportion of its earnings for their own aggrandizement, and to shift the burdens of taxation from their own shoulders to this great class, the wonder is that it has a spark of vitality left, or the patience to bear the tortures that have been, and are still inflicted upon it.

Unlike any other class, however, the agricultural, without complaint, maintains all the burdens im-

posed upon it by the government, nor suffers abatement of its sturdy integrity or independence. While under the deepest pecuniary embarrassment and depression, it looks to no aid but its own right arm, to no resource but its own productive power for alleviation. Patience, industry, and economy, are its household words; and although depressed in its energies, or crushed for a time by the extortions of the government and the combination of all other classes, yet, through the steady exercise of its indomitable perseverance and recuperative strength, it rises, phoenix-like, from the dust, with health, and prosperity, and healing in its wings. In its prosperity all other interests are restored, while often, in the oppressive task of sustaining the impositions of legislation, it suffers alone.

The bill now under consideration, Mr. Chairman, proposes various modifications in the principles and details of the existing law; and notwithstanding the care with which it has been matured, there are yet many imperfections in its provisions and details. There are many imported articles entering into the general consumption of the country, which have become necessities of life, and upon which, though the duties levied by this bill are a great reduction upon the act of 1842, yet I feel satisfied, the rates of duty are too high to be consistent with a fair and equal taxation. The articles of sugar, molasses, bar-iron, and chains, constitute a portion of dutiable imports upon which I could wish to see the tariff still further reduced. But if a majority of the committee shall differ with me on this point, and the bill shall be reported back to the House preserving its present form, I shall, however reluctantly, from the considerations presented, vote for it, because, in its general provisions, I regard it as greatly preferable to the existing law. I am, sir, in favor of a *tariff*, but not of *the tariff*; and while opposing the impositions of the law of 1842, I cannot consent to be placed in the category of the advocates of *free trade*, if, by this designation, I am to understand that it discountenances a wise, discriminative *revenue tariff*. The complex and manifold machinery of the general government requires a vast annual revenue to

Gift
Mrs 2 Joel Myers

keep it in motion; and aside from the proceeds of the public lands, there is no other source of revenue than the imposition of duties on foreign goods and tonnage, except the last alternative of direct taxation. The question now before the committee is not whether we shall adopt direct taxation or a tariff, but whether we shall pursue in our action the powers delegated to us by the constitution, in levying duties for revenue, or violate them for purposes of protection. This, sir, to my comprehension, is the distinction between the democratic and the whig parties; and upon this issue, I take my stand in this discussion, and upon no other. To repeat the proposition, sir: I regard the democratic party as favorable to a *revenue tariff*, sufficient to sustain an economical administration of the government, with such discriminations upon the various articles of foreign production as will be most advantageous in the collection of revenue. The whig party, on the other hand, as their defence of the existing "tariff" exhibits, are for a tariff for *protection* as the first object, and for *revenue* as the mere incidental consideration. The position assumed by the democratic party, is, as I humbly conceive, abundantly sustained, in both the letter and the spirit of the constitution, while the doctrine of our opponents is contrary to both. The 8th section of the federal constitution reads thus:

"The Congress of the United States shall have power to lay and collect duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," &c.

Here it is seen, Mr. Chairman, that a specific grant of power is conferred to lay and collect duties, taxes, imposts, and excises; but, sir, for what purpose? Why, the latter clause of the same section specifies and marks out the limitations by saying, "*to pay the debts, and provide for the common defence and general welfare.*" The power to lay and collect duties, &c., is a specific, substantive grant of power, and limited in its exercise by the succeeding portion of the section, to objects therein enumerated, and to which alone these collections, when made, are constitutionally applicable. Now, sir, it does seem to me, that in the exercise of the power to lay and collect duties, &c., we are not authorized to look to any other object than the section indicates and points out; and it points out no other purpose than revenue, and the objects to which it shall be applied. The debts of the government cannot be paid until the necessary funds are collected for their liquidation; nor can the "common defence," or "general welfare," be effected without the means. If I am right, sir, in this position, (and I have no doubt of it,) gentlemen who claim the constitutional power to protect manufactures cannot be sustained by the specific grants of the section just referred to, as the basis of our argument to the contrary. But it is asserted that the power to protect this interest is said to be embraced in the final provisions of the eighth section of the constitution, and as properly included within its limitations. If this assumption be correct, the right only exists under the appropriating power of Congress, and must be accomplished by a legislative distribution of a bounty to manufacturers, and not through the process of invidious taxation. Are gentlemen ready to claim this at the hands of Congress? Are they ready to demand a bounty from the public treasury to manufacturers, in lieu of a tax upon the consumer, for their support.

But, sir, let us suppose (in order to place this exercise of power by Congress in its true light) that the duties derived, or derivable, from imports are in-

adequate to support the government, and afford means to give to each manufacturer the bounty needed, would it not be competent for Congress, if the ~~would~~ ^{were assumed} to really exist, to lay, in addition to the duties for revenue, a direct tax for the payment of the bounties thus claimed, and to be thus dispensed? Will gentlemen assert this, or are they ready to meet such a question before the American people? And yet, such is the issue, if the power claimed by them has any authority or existence under the constitution. If the protective power does exist under the provisions of the constitution, as one of its original objects and designs, it exists without limitation as to the amount to be appropriated, and the mode by which its collection is to be accomplished; and if it is to be considered as the settled constitutional doctrine, it must lead to taxation as heartless and oppressive towards all other classes of the country, in its ultimate operation, as the exercise of the same power does in Great Britain upon the great laboring masses of *her* people.

But, again, Mr. Chairman, if the power has an existence without limitation, the mode of its exercise is reduced to a mere question of discretion; and Congress may just as well enact a law commanding the people of any one State, or of the Union, not to buy of England and France, but that their purchases should be made from Massachusetts or Rhode Island; thus leaving the manufacturers of these States to fix their own prices upon their goods, and upon the produce of the farmer in exchange. It is true that this direct mode of accomplishing the same end might be objected to by these protective gentlemen, lest the free people of this country might again (as they have done heretofore) rebel against so flagrant an exercise of the power claimed by them. But does not the present law, in effect, produce the same result? Has it not driven, by its provisions, a large amount of foreign articles from our market? Has it not compelled the purchaser of those taxed goods to pay an additional cost, as a bounty to manufacturers, of from 40 to 150 per cent.? What, then, sir, is this, but Congress saying, through the present law, that American citizens shall buy of Massachusetts or Rhode Island, and not of England or France? Or, in other words, that if they purchase such and such articles from abroad, they shall pay a bounty upon them for the support of the monopolies at home engaged in the manufacture of such articles—that A shall sell his produce to B at B's own price, and buy B's articles at the extent of the tax added to the cost of the foreign article. And yet, sir, it is insisted that such a law is not an infraction of the limitations of the constitution, nor of the rights attempted to be secured under its authority.

The party, however, to which I have the honor to be attached, Mr. Chairman, do not deny that a revenue tariff may not be so regulated in its discriminations as to afford protection incidentally; but maintain, on the contrary, that all the protection which the manufacturing class can receive from the government must be afforded through its action in the assessment of duties for revenue; for, when you levy an imposition of 25 per cent. for revenue upon an article imported, it must have the effect, to the extent of the imposition, of a protection to the home manufacturer, by enabling him to sell at an advance of 25 per cent. upon the prices, by reason of the government tax upon the foreign article. The power, then, sir, in my humble judgment, exists mainly as an incidental power in the

exercise of the general power of taxation granted expressly to Congress, and not as a direct and specifically granted power under the constitution. But, sir, aside from all constitutional grounds of objection to the existing tariff law, there are objections of expediency equally fatal. I allude to its destructive operation upon individuals, upon classes, and upon the general national prosperity. The tariff of 1828, known as the "bill of abominations," differed but little in its essential provisions from the leading features of the present law; and the history of its development, as exhibited in its operation, sustains the objections which I entertain to the act of 1842.

Sir, it constituted one of the most efficient elements, combined with others of the period of its existence, that prostrated the energies, and for a time overthrew and suspended the prosperity, of country. And such must again be the legitimate and inevitable tendency of any system which directly or indirectly controls the citizen in the exercise of his discretion in disposing of his own property, on his own terms, and at a market of his own selection. Trade, and the operations of trade, should be left as free as possible; for the laws that are natural to it have been demonstrated as quite sufficient for its regulation. The tariff of 1828 attempted a diversion of trade from its natural and national channels; and government, through the merely artificial principles and regulations of the law, and for the purpose of what is called home protection, created a state of affairs which terminated only in general disorganization and paralysis. The manufacturing interest protected by the government, called upon the banks for facilities to more extended operations; the prospect of profit to manufacturers became a mania after the passage of the law; the banks loaned with reckless liberality, and expanded their circulation beyond precedent in this enterprise; and these expansions, by the general diffusion of paper money, augmented the sales and the profits of the manufacturers, till the whole manufacturing interest thought that the protective system was the climax of legislative wisdom, and the infallible source of all political prosperity.

Thus it was, sir, that the steady and regular course of business and of trade was diverted into new channels, and carried on by an artificial tide of success, as delusive in its character as it was brief in its duration. The day of reckoning came upon us, in the midst of our excesses; and a general proclamation of bankruptcy was the very natural result. Sir, is this a fancy sketch, or is it not the history of events, fresh within the memory of every representative on this floor? But, further to sustain my position, I find in one of the speeches of Mr. Calhoun, delivered in the Senate in 1840, the most satisfactory testimony. It exhibits the expansion of the circulation of the banks of the manufacturing States for the years 1830 and '32, he not having been able to procure a statement for 1829 and 1831, and the balance of the tariff period, up to the explosion of the banks.

The circulation of the banks of Massachusetts for the years 1830 and '32, was as follows: For 1830, \$4,730,000; 1832, \$7,700,000; or 65 per cent. increase. In Rhode Island, in 1830, the bank circulation was \$670,000; in 1832, \$1,340,000, or an augmentation of 100 per cent. In New York, in 1830, the circulation of the banks was \$10,000,000; in 1832, it was \$14,000,000, or an increase of 40 per cent. In Pennsylvania, in 1830, the circulation was \$7,300,000; in 1832, \$8,760,000, or an increase of

20 per cent. The circulation of the Bank of the United States, in 1830, was \$15,300,000; in 1832, \$24,600,000—bring an increase of 67 per cent. The aggregate amount of circulation of these States was, in 1830, \$38,000,000; in 1832, \$56,500,000. These are but the results of the two closing years of the tariff of 1828; and I doubt not, if the estimates could be had for the whole period, similar results would be developed. The estimates I have furnished show that the increase of bank circulation, within the periods indicated, was almost in exact proportion to the amount of protective duties laid by the tariff.

I have thus attempted to show, sir, what I have asserted to be true, viz: that the tariff of 1828 contributed largely to the disarrangement of trade from the expansion of the currency of the country, in inflated prices of produce, land, &c., the winding up of which state of things was so signally disastrous to all concerned. Nor was this expansion of the paper circulation confined to the aforesaid manufacturing States. The banks of these States led the way, and were followed by the excessive issues of the banks of all the States of the Union. The advance of all articles in the country followed the increase of paper money, until the prices at which they were purchased would not admit of exportation and sale in foreign markets where their circulation was 50 per cent. less than ours. The result was, that the holders of the produce here held on for a small advance, until the bubble exploded, and they sunk amid the general crash. It was at the climax of this period of bank expansion that wheat was imported to the United States from Europe, and sold at a profit for a less price than our dealers could take without sacrifice. It was at this period, sir, that the extraordinary spectacle was exhibited to the world of a great producing country, with a surplus of produce on hand, augmenting that surplus by the purchase of breadstuffs from foreign countries. I know, sir, it has been charged by some of the politicians of the country, that the deplorable state of things I have been describing was the result of the repeal of the tariff act of 1828, and the establishment of the act of 1833, familiarly known as the compromise act. Indeed, sir, I must express my surprise to have heard gentlemen on this floor repeat what I had supposed every sensible man had condemned; but my surprise has been even greater to hear gentlemen assert that the prosperity of the country now was the effect of the tariff of 1842, and that this fact sustained the charges of ruin brought upon the country by the compromise act.

And now, Mr. Chairman, without designing to enter into any very extended argument on these points, I shall briefly review them as they have been presented, and demonstrate, by the conclusive testimony of dates and figures, the total fallacy of these assumptions. And, first, I remark, that the suspension of the banks, from 1837 up to the year 1841, was the incubus that hung upon and palsied the energies of the country, and the only true cause of its commercial prostration and pecuniary distress. And it is a fact equally familiar to the people, that the interests of the country have been gradually recovering and advancing from their prostration, from the moment of the general resumption of specie payments by the banks in 1841. That act, sir, expelled at once the depreciated and worthless paper of all the broken and rotten banks of the country from the channels of circulation; and they were once more, but to a limited extent, filled with

either gold or silver, or paper that was equivalent, by reason of its convertibility into *bona fide* "hard money," at the option of the holder. True, this act of general resumption reduced the paper circulation of the country to an amount less than the sum of the silver and gold in circulation, and in the vaults of the banks. But, sir, it at once regulated the exchanges of the country to the specie standard; it restored confidence between man and man; and it imparted life and renewed activity into the domestic trade, business, and commerce of the country.

The present tariff act took effect in September, 1842, more than eighteen months after the universal resumption by the banks, when the produce of the country was sought after by the capitalists at home and from abroad, and was steadily rising in value. I will not, however, close the refutations of the positions assumed by gentlemen on the other side, with the mere recapitulation of dates and circumstances; but shall, at the hazard of being considered tedious, give in figures the unanswerable argument, that proves the injurious operation of the tariff of 1828, upon the interests of the country, and the beneficial operation of the compromise act of 1832-'73, upon the same. I find, from an examination of the tables of exports of domestic produce, from the year 1824 to 1833, including the high tariff periods of 1824 and 1828, that the aggregate amount of exports was \$469,198,564. I find, also, Mr. Chairman, that our exports from 1833 to 1842, during the operation of the compromise act, amounted to the sum of \$768,352,365, which give an annual average of exports of \$66,442,785; and an aggregate gain of the latter period upon the former of \$299,174,791, and an average annual gain of \$38,646,855. The statistical tables of the custom-houses show, also, that the exports of domestic manufactures for the same periods, were as follows:

The aggregate amount of exports during the high-tariff period from 1824 to 1833, was \$43,180,755, and for the low-tariff period from 1833 to 1842, \$65,917,018; the increase of these exports during the latter period, over the former, being about \$22,000,000. They show about the same state of facts in relation to our tonnage, and the imports and exports of specie. The aggregate amount of foreign tonnage for the same period, under the high tariff, was 686,969 tons; and of coasting tonnage, 752,456 tons—making an aggregate of \$1,439,455: whilst under the latter period of the low or revenue tariff, our foreign tonnage was 896,664 tons; and that of our coasting trade 1,280,999 tons—making an aggregate of 2,180,763 tons; and an increase for the latter period over the former, of 741,303 tons. The imports and exports of specie, from 1821 to 1831, a period of high protection, were as follows:

Aggregate amount of imports of specie \$76,450,580. Aggregate amount of exports \$80,226,628. Showing an excess of exports over imports of \$3,776,048. The imports and exports of specie, on the other hand, sir, from 1831 to 1841, a like period in duration of low duties, were: Exports \$67,859,294. Imports, \$105,139,234. Giving an excess of imports of specie over the exports, of \$37,279,940.

I have thus endeavored to exhibit, Mr. Chairman, by facts and figures, that the assumptions of gentlemen who charge the prostration of trade and business to the effects arising from the repeal of the act of 1828, and the operations of the compromise act, to be unfounded in truth; and that, instead of the interests of the country having been destroyed by the operation of the law of 1832, that our commerce

was more flourishing; that our exports and trade were augmented under its operation to a large amount, as compared with the exports of the high-tariff period; and, further, that, during the latter period, there was added a large increase of specie to the capital and circulation of the country—a contribution, to the extent of the increase, to the increased prosperity of the country.

I shall now, sir, very briefly attempt to prove, by the figures and dates which I shall produce, that the manufacturing establishments of the country, during the period—or rather, a portion of the period—of low duties, were in a more prosperous condition than at any other time; and that, so far from the assumption being true, that they were in a bankrupt condition, and unable to prosecute their business, on the contrary, they purchased more of the cotton of the South, and manufactured more goods, than at any previous period. The amount of cotton imported into Boston from 1835 to 1840, inclusive, and from the 1st January, 1841, to the 25th May, of the same year, (a little less than five months,) as taken from the Boston Atlas of 1842, is as follows: In 1835, (in round numbers,) 80,000 bales; in 1836, 82,000 bales; in 1837, 82,000 bales; in 1838, 96,000 bales; in 1839, 94,000 bales; in 1840, 136,000 bales; and from the 1st January to the 25th May, 1841, 93,000; and for the year 1841, as estimated, 150,000 bales—almost double the consumption as compared with the high-tariff year 1835. The writer of the money articles in the New York Herald of the same year, and who seems to have drawn his statements from authentic sources, if we may judge from their details and minutiae, states that the amount of goods manufactured at Lowell in 1839 was 58,263,400 yards; and in 1840, 73,853,400 yards—making an increase in a single year of 15,590,000 yards, more than 25 per cent., in that branch, in the entire growth, in that flourishing town, from its foundation to the beginning of the year 1840.

Sir, these are facts for the country which speak the language of "truth and soberness," and entirely annihilate all the miserable cant and sophistry that have been employed by the opposition to substantiate the false issues assumed against the compromise act.

Again, sir: If it be true, as gentlemen have alleged, that the manufacturing interest was struck down by the compromise act, and reduced to bankruptcy, by what singular art of legerdemain or legislative *hocus pocus* were they, upon the passage of the present law, enabled to concentrate and distribute, by the purchase of all the surplus of the country, the vast capital that was requisite to effect this change, when they, just before, were broken down and disabled to prosecute their business? Does not every man see the utter fallacy of such assertions? But suppose, sir, that they were in a sound condition: can they coin money, or supply enough from their profits in a year to have filled the channels of circulation that had already been nearly exhausted by the bank explosions and suspensions of the panic era of 1837 to 1841, inclusive? Sir, I have shown you how these channels were being filled when this act was passed. The increase of capital that was revivifying, reproducing, and extending the industrial pursuits of the country, was the product of our exports during the period of the compromise act, as I believe has been sufficiently illustrated. Yes, sir, the large balances of specie brought into this country, instead of goods, during the last years of the general suspension, gave that impulse to trade, business, and

commerce, which saved the country from hopeless ruin and irretrievable bankruptcy. The elements of this resuscitation were not derived from the manufacturing interest under a high protection, but from the products of the great agricultural class, and the means of business introduced into the country by the specie derived from the sale of their surplus in foreign markets. The substratum of all our prosperity and wealth—the basis of all our happiness, virtue, and patriotism—arises from the industry and the grand moral power which the great agricultural class holds in its control. And, Mr. Chairman, I thank Heaven that it is so; and that this class does now, and will, as I hope, for centuries in perpetuity, maintain its wholesome and preponderating influence over all others. It is among the yeomanry of the land, that we must look for those sturdy republican characteristics which distinguish us as a nation among all the nations of the earth. Unobtrusive, virtuous, and contented, you never find them, sir, infesting your halls of legislation, extorting laws at your hands to legalize on their part the plundering of their neighbors; nor for impositions to their own benefit upon any other class of their fellow-citizens. No, sir; their services, and their resources, and their lives, they are ever ready to lay down upon the altar of their country, in the preservation of its institutions, its liberty, and its integrity!

I have now, Mr. Chairman, answered, as I think, the assumptions of gentlemen on the other side, and shown, conclusively, that it was not the repeal of the tariff act of 1828, nor the enactment of the compromise law of 1833, that produced the prostration of all the business interests of the country; and that the act of 1842 had no agency whatever in the general revival of business, and the present progressive prosperity of the country; but, on the contrary, that the act of 1828 contributed more directly than all other causes, to the paralysis which for the last few years weighed down the mighty energies of the American people, and kept them prostrate in the dust. I have shown also, sir, that it is to the increased exports of the producers of the country, pending the operation of the compromise act, that we are indebted for the vast increase of specie which alone saved us from impending and irretrievable bankruptcy, and imparted vitality and vigor to all the great interests of the country.

But, sir, there is another assumption of the friends of a high protective tariff, equally as preposterous as those I have noticed, as I shall be able most clearly to establish; it is, that *high duties make low prices*. This position, I find, is adopted in the report of the Committee on Manufactures, made by the honorable gentleman from Massachusetts, [Mr. HUDSON.] In that report the committee assume, first, that foreign manufacturers can obtain their capital for about two-thirds, and their labor for about one-third or one-fourth, less than the manufacturers in the United States; and thus the idea of anything like a fair competition, under these circumstances, is altogether out of the question. Now, after admitting this important fact, and claiming that the manufacturer here ought to be protected by duties upon articles of foreign production, to enable him to compete with the foreign manufacturer, he then turns round and asserts that the tax thus laid upon imported goods does not increase their cost, but rather tends to diminish it. This assumption he attempts to prove in the report by a most singular process of reasoning—namely, that the importer will be able to buy of the English or French manu-

facturer, the same description of articles that he before purchased, at just such a reduction of the prime cost as will counteract the duty imposed by the tariff here; or, in other words, that the foreign manufacturer and importer will, between them, sell the goods imported at just the amount of the duty imposed less than their previous charges, and thus prevent, by the competition for a market, any advance at least upon the prices paid in the absence of a tariff of protection. Now, sir, if I comprehend the gentleman's positions, they are absolutely antagonistic to each other; and if either be true, the other must be false; for, if a duty of 50 per cent. be necessary to protect the cloth-maker in this country against the foreign competitor, how can the 50 per cent. operate as a protection to the former, if the latter sells to the importer at just the amount of duty under the former prices? Certainly, under such a state of things, the tariff of protection would be no protection, because the foreign cloth would still monopolize the home market. On the other hand, if the duty imposed effects the object of protection, the price of the foreign cloth must unavoidably be increased 50 per cent., where that is the extent of the imposition, which would enable the home manufacturer to sell at the same price. In further illustration of the case, I will give an example or two that, cannot be misunderstood or controverted. I will suppose (a truth, if my information be correct) that, under a tariff of 25 per cent., Swedish bar-iron could be brought to this country and sold at 2 cents per pound, which our manufacturer of iron of the same quality and kind, could not afford to sell at less, if you please, than at 4 cents per pound. Finding that he cannot compete with the foreigner, he appeals to Congress to protect him against the Swedish importer, in a duty of 100 per cent., which will compel him to sell his importations at 4 cents also, or drive him from the market; and Congress levies the desired imposition. Now, sir, does not this duty of 100 per cent., thus imposed, protect or enable the domestic manufacturer to sell his iron at the old price of 4 cents, by raising the cost of the imported article to that standard. If not, what has the domestic manufacturer gained by the 100 per cent. tariff of "protection?" Just nothing. He is in the same predicament as before, which would certainly tend to establish the declaration of Mr. Clay that "there is no necessity of protection for protection."

But, Mr. Chairman, this is not the state of the case. Would our manufacturers exhibit so much anxiety, and be so lavish of their exertions and their money, in obtaining the ascendancy of the protective party, and through them a protective tariff, if it resulted as the gentleman has assumed? No, sir; far from it. The legitimate effect of the duty of 100 per cent. is, as every man of common observation must know, the very reverse of the operation of the tax as laid down in the gentleman's argument.

The Swedish iron could not be sold without a sacrifice at less than 4 cents per pound, paying the duty of 100 per cent. So, too, with all other articles. Good French boots could be imported here under a revenue tariff, and sold at \$2 per pair, just such as our boot-maker sells at \$3, in which case a duty of 33 $\frac{1}{3}$ per cent. will compel the importer to raise the price of the French boots to \$3, in order to meet the requisition of the tariff. The operation of the law is clear. Upon every pair of boots purchased either of the French importer, or the domestic manufacturer, the purchaser pays \$1 advance upon

the price paid in the absence of the tariff of $33\frac{1}{2}$ per cent.; because the tax levied by the government upon the imported article, is added to its price, and this enables the home manufacturer, who pays no duty, to sell his article also at an advance of \$1, and realize a profit, to that extent, over the profit of the importer, conceding the prime cost in each case to be the same. Therefore, if, in the purchase of four pairs of boots, a farmer pays at a country store \$12 this year, for which the year preceding he only paid \$8, in the absence of a duty of $33\frac{1}{2}$ per cent., it follows that, in the transfer of this duty to him, he pays a tax of \$4 to protect the home manufacturer upon four pairs of common boots. The tariff of 1842, passed by a whig Congress, laid a duty of \$1 25 per pair upon coarse imported boots, which has raised their price to that extent upon the price at which they would be sold were no duty levied upon them. The consumer pays this additional charge in every instance; for the tariff follows all the transfers upon the goods upon which it is laid, until they fall into the hands of the consumer, out of whose pocket the revenues of the government, and the duties of "protection for protection," are all derived. If such be the fact, (and it must be, or the doctrine of protection is all a farce,) I have, by these two simple statements, demolished the paradox that "*high duties make low prices.*"

But, Mr. Chairman, lest the arguments of gentlemen might not be so convincing as they could desire, some of them have dropped all argument, and attempted to drive us into the support of their theory by designating the friends of a judicious revenue tariff as the British party in Congress; and they have appealed to the people to stand up for their own countrymen and protect them against the pauper labor of Great Britain. Yes, sir, strange as it may seem, though not strange considering the quarter whence it emanates, the very party who have been, by means the most invidious and anti-American, trying to fasten upon the people of this country the whole British system of banks, manufactures, privileged orders, corporations, monopolies, taxation, and pauperism, with all its deplorable concomitants; and who take the British side of all questions that arise between that country and ours, and who seek notwithstanding, through a portion of its members, to divest all foreigners seeking the asylum of our shores of the right of citizenship;—strange as it may seem, such a party talk to us and denounce us as the British party—professing themselves to be the exclusive friends of home industry, and the only guardians of the constitution and the rights and liberties of the people. May the wisdom of the people save the country from the tender mercies of such brazen-faced hypocrisy. Sir, who are the importers that we are called upon to throttle and drive out of the country by taxation or high prohibitive duties for protection? They are, from one half to two-thirds of them, American citizens, employed in the business of carrying off the vast surplus produce of the country, and selling or bartering it to other nations, and bringing back in exchange the products and manufactures of those nations. They are the commercial class of the United States—a class next to the agricultural in its contributions to the wealth, the power, and glory of their country. They are branded as British importers by the manufacturing monopolist and his advocates in this House. The law of 1842 was designed to drive this commerce of international exchanges from the ocean; and thus not only inflict a suspension of

their business upon the seas, but an injury upon the whole agricultural community who are dependent for the sales of their surplus productions upon the owners of ships that bear them to a foreign market. That I may be understood in this position, I will put a case for illustration, by supposing that the county of Ross, in the State of Ohio, has a surplus of flour per year of 100,000 barrels; and that A, a trader, has been in the habit of buying it annually and shipping it to England or France, taking, in exchange, or investing the money received, in the manufactured articles of these countries, at a rate that would enable him to sell them in the United States at an advance of 50 per cent., without transcending the prices of our own manufactures of like description. We will suppose that the law obliges him to pay 25 per cent. from his profits to the custom house for the support of government. He does so, and still retains a profit of 25 per cent., which enables him again to buy of the farmers of Ross their surplus of 100,000 barrels of flour. He ships it off as usual; but, in his absence, the domestic manufacturer complains to Congress that he will be broken down if there is not a further duty of 25 per cent. laid on the goods imported by the trader. The prayer of the petitioner as granted, and the duty is increased to fifty per cent. A returns with his merchandise, expecting to pay the usual duty of 25 per cent.; but, much to his astonishment, the custom-house officer informs him that the imposition "for the sake of protection" has been raised from 25 to 50 per cent. A sells out as usual at a gross profit of 50 per cent. which is just sufficient to meet the custom-house extortion, divesting him entirely of his profits. Will A be found again purchasing the surplus flour of the farmers of Ross for that season, or any other season, while the protective imposition of 50 per cent. is drawn upon the foreign goods he receives in exchange for his produce? The present tariff is thus operating; and yet the advocates of a high protective system are attempting to make the farmer believe that his interests are advanced by the law. I have shown how the tariff of 1828 operated upon the domestic exports, and how suddenly the exports expanded upon its repeal; and I now submit to you, Mr. Chairman, to this House, and to the people, a table of exports since the passage of the present law, to show that it has already vastly reduced the exports of the agricultural staples of the country. The law took effect in September, 1842, and from that day to September, 1843, we have the first fiscal year of its operation. The report of the Secretary of the Treasury for this period gives the amount of domestic exports at \$90,494,485, and for 1841, at \$106,382,722; and for 1842, at \$92,969,996; thus exhibiting a falling off in a single year, under the high tariff of 1842, as compared with the exports under the revenue tariff of 1841, of about \$16,000,000; and as compared with 1842, of two and a half millions of dollars; and this, too, chiefly upon the agricultural staples, exclusive of cotton, rice and tobacco. The imports and exports from the 30th September, 1843, up to February, 1844, are, imports about forty-five millions—exports twenty-eight millions. With these facts from the official data looking us in the face, are we to be told that this law in its operation is giving prosperity to the farmer or to the shipping interest. Or shall we sacrifice the shipping interest, in which there are nearly as many persons engaged (including ship carpenters and their families) as there are in the manufactures of the country, and

the whole agricultural class into the bargain, to the rapacity of the manufacturing interest? Sir, I am not the enemy of the manufacturing interest. If the incidental protection afforded it be restrained within fair and equitable limitations, I will be in favor of it. I am willing they should have all the advantages a revenue tariff can afford them, be the amount of protection what it may; and I am sure, sir, that such a tariff incidentally, would abundantly protect them. I say so from the highest authority in the estimation of the opposition—authority which they will not dispute. I allude, sir, to Mr. Clay. He expressly declares that a revenue tariff will be abundantly ample for the purposes of protection. "But, sir, when we are called upon to sacrifice all the other industrial interests of the nation to one exclusive branch of industry, I must, as a friend of the humble tiller of the soil, and of that class who "go out upon the great sea," protest most solemnly against it.

I have a few words to say now to the bootmaker, the hatter, and the tailor, who are appealed to by the manufacturing interest to unite in their crusade against the farmer and trader. They are told that, if foreign boots and shoes, ready-made clothing, and hats, are not exorbitantly taxed, they will drive the home manufacturer of these articles to some other business, or to unavoidable starvation. I desire them to examine the reports of the Secretary of the Treasury to ascertain the amount of the importations of boots, hats, and clothing, antecedent to the passage of the present law of home protection, as it is termed. By such examination it will be discovered that the aggregate imports were—of boots and shoes—

In 1839	-	-	-	\$101,000
Exports the same year	-	-	-	173,000
Hats, leather, wool, and fur, imported—				
In 1839	-	-	-	\$15,000
Exports of same for same year	-	-	-	123,000
1840—				
Boots, shoes, and slippers imported				\$70,000
do do do exported				214,000
Hats, leather, wool, and fur imported				7,000
do do do do exported				103,000

1841—				
Boots, shoes, &c., imported—	-	-	-	\$17,166
do do exported -	-	-	-	100,725

The number of boot and shoe makers in the United States is estimated (but I cannot vouch for its correctness) at 180,000. Now, sir, the average imports of each of the years 1839-'40-'41 is about \$77,000, coming into competition with the labor of 180,000 domestic boot and shoe makers; or a foreign competition, averaging to each domestic manufacturer about 45 cents per annum—all told. Or, in other words, if no importations had been made, but their amount equally divided among our home manufacturers of the specified articles, each man would have an addition to his yearly aggregate derived from the making of boots and shoes, of the enormous sum of 45 cents. Yet, sir, he is taught to believe that the importer will ruin him without a prohibitive duty of protection. The excess of exports over the imports of these goods, however, will dissipate the delusion. The same regulations of trade will apply to the hatters. The competition which they have to encounter is \$13,000 worth of hats annually imported, which, divided among the domestic manufacturers, would scarcely exceed the pro rata of 10 cents per man.

Let us now, Mr. Chairman, ascertain the amount

of competition against the tailors of the United States. The report of the Committee of Ways and Means shows that there was imported in 1840, '41, '42, about \$28,000 of ready-made clothing, paying ad valorem and specific duties; giving for each year an average of some \$9,000. There are in the country (as I have seen stated) about 100,000 tailors; the average competition, therefore, would be to each man a sum not exceeding the trifle of 10 cents per annum; or, in other words, a tariff of absolute prohibition against foreign clothing would give to the domestic makers 10 cents more per annum to each man than they have received under the late and existing laws. And notwithstanding, the American tailor is called upon to defend the cause of home protection against foreign competition, or else be driven from his shop-board.

But there is one more fact, Mr. Chairman, which I desire to give the committee from this report. It is this: that, under the operation of the first three-fourths of the present year, there was imported into the country \$175,000 worth of ready-made clothing, nearly twenty times the annual amount imported during the periods mentioned under the revenue tariff of the preceding years; and yet it is claimed that the present is a tariff of home protection!

But, sir, let me ask of gentlemen how the boot and shoemaker, tailor and hatter, are benefited by a law which gives them from 33½ to 50 per cent. protection, when, at the same time, it places a similar imposition upon all other manufactured articles which they have to buy? The tailor pays on his boots, hat, and clothing, and the clothing of his family; and upon his salt, sugar, pepper, spice, fish, &c., a far greater tax than is levied to protect him. So, also, with the hatter, and boot and shoemaker. They all pay, more or less in the protective tax upon their articles of family consumption, many times the amount of protection secured to them. I admit, sir, that if each man could, by law, be equally protected, neither would lose at the end of the year, nor could either be gainer; but such cannot be the operation of an insidious protective tariff. The protected classes will get along pretty smoothly; but the unprotected will feel the disadvantage of the burden imposed. The farmer you cannot protect, because there can be no competition to his business from abroad. The law, therefore, chains him down, and tells the protected classes to fleece him at their discretion. Yet, sir, the farmer, too, is exhorted to go for protection.

I shall now pass on, sir, to some other positions assumed by the advocates of an exorbitant tariff of protection. Gentlemen in this discussion have said that the fathers of the constitution were protectionists, and refer to the revenue law of 1790 to establish this declaration, quoting from the preamble of that law as their assumed evidence in the case. The word "protection" is found in that preamble, I admit; but does the preamble fix the impositions upon foreign goods specified in the law? The law itself, sir, is the true test; and by reference to the act of 1790, you will discover that the average duties upon imports were about 7 per cent. Descending from this period to 1815, the tariff laws averaged but an ad valorem scale of duties of 15 per cent. Sir, it is ridiculous for gentlemen to charge that we are disciples of free trade who advocate a revenue tariff of 25 or 33½ per cent. upon imports, while the fathers of the government, who levied a tariff of from 7 to 15 per cent., are claimed as having been the ad-

vocates of the federal doctrine of protection. I leave them to reconcile as they can the contradictory positions which they occupy in the attempt made by them to mislead the public mind, and impose doctrines upon the country as emanating from the fathers of the constitution that never were originated or sanctioned by them.

Sir, the end and object of this high protective policy should arouse the agricultural interest of the country to a just sense of the ultimate burdens that will rest upon it; for the prohibitory character of the policy is as certainly tending to direct taxation as that it exists. Can any one doubt the truth of this position, with the arguments of the advocates of protection before them? Do they not assume that the manufacturers of this country must be protected by law against the competition of other countries? And how is this competition to be prevented but by destroying it? Is it not insisted that such protection will, in a short time, enable our own manufacturers to furnish all we need, and at prices as low as any other country? What source of revenue, I ask, then, will be left to supply the wants of the government after the importations of all foreign goods are at an end? But one, sir, and that the landed interest of the country. The farmers will not only have the State governments to support, but the general government, with its immense expenditures. Think you, sir, that the interest which has been begging the government for a half a century for indirect bounties to support it, will agree to contribute a cent for its support? No; the cry of oppression will be raised, and appeals to the sympathies and patriotism of the country to save them from destruction; and, as now, they will be heard, and the burden rolled over upon the farming class of the country, as it ever has been. There is no ear to hear their remonstrance, no eye to pity them; they are to be the beasts of burden, from whose labor all the departments of the machinery of civil government are to be sustained, and the manufacturers into the bargain. Sir, nearly all the revenue collected and consumed by the government is drawn from the pockets of the farmer, by the indirect operation of the tariff; and the manufacturing class, if their prohibitive system is carried out, will change this indirect tax of eighteen millions of dollars, to a direct tax of the like amount. And if we submit much longer to their dictation, the chains of a manufacturing despotism will be fastened upon us, and the interests of all the other

classes sacrificed to its unhallowed cupidity. Sir, as I remarked before, I do not wish to be regarded as the enemy of this important branch of national industry and enterprise, whilst it is kept within its proper sphere; but when its gigantic strides to power and exclusiveness already threaten to annihilate (as it now paralyzes) the agricultural and commercial interests of the country, it is time to prescribe bounds to its encroachments, and expose its policy to the people. The history of the manufacturing interests in other countries is one of rapine and pauperism; and though it may never be potent enough here to victimize all the other interests of the country, yet its virus, struck deep as it is into our system, will impair more and more its healthy action, retard the developments of its resources, and finally reduce it to impotency and ruin. Sir, such monopolies as the present law is designed to foster, at the expense and almost sacrifice of all other interests, are but the disguised competitors for power with the government itself, and their influence the cancer that is eating out the vitals of the constitution. And if we contribute much longer, by such laws as the present, to give a precocious maturity to them, they may well claim to be the government, and proclaim that the constitution is but a bundle of abstractions, unworthy of the present age, and unfit for the government of the people. There is but one hope of escape from such a catastrophe; and it is in the firmness, honesty, and patriotism of the farmers and mechanics of the country. Their united voice can avert the usurpation, and their brawny arm protect the constitution from the ravages of such an enemy. But if they should much longer slumber upon the outposts of the constitution, the citadel of liberty will be in the possession of a worse than Gothic foe, who will prostrate its noble pillars, strike down the eagle of liberty, and in their places erect the throne of the despot, and the whelp of the British lion. Already the links of the cold chain of avarice are entwined around the hearts of a portion of our people, and deadened their sensibilities, I fear, to the calls and influences of patriotism; and nothing can arouse them but a true sense of the condition of the country, to an effort to reinstate the constitution, to impart once more its life-giving principles to the great interests of the country. *Now—now* is the time for the effort; and he who suffers the present occasion to pass unimproved, will live to condemn his error, and weep over the lost liberties of his country.

SPEECH.

In Committee of the Whole on the state of the Union, on the Resolutions referring the President's Message to the various Standing Committees,

Mr. McCLEARNAND addressed the House as follows:

Mr. CHAIRMAN: It is due, perhaps, to the committee, that I should renew the apology now, which I felt constrained to offer the other day when I appealed to the committee to adjourn this question temporarily, to enable me to speak upon it under more favorable circumstances. Certainly, sir, upon no other ground than that of physical indisposition, would I have ventured so far from my humble course here as to have asked for so great a concession. In return, gentlemen, for your kindness and consideration, I can only offer you the humble tribute of my thanks and gratitude, which I beg you to accept.

These, Mr. Chairman, are critical and portentous times; an accidental conjuncture threatens the success of the cherished principles of Democracy, and all who are friendly to the present republican Administration are imperiously called upon to come forth promptly and boldly in its defence. All who profess to be Democrats should now prove their faith by their works. For one, sir, I propose to do this; and, that I may do it with the more success, I shall indulge in a somewhat extensive range of debate.

First, sir, it is my purpose to review the great measures that distinguished the internal or domestic policy of the present Executive Administration, and in like manner, on some future occasion, its external or foreign policy—especially the justice of our cause in the existing war with Mexico; thus affording, as a whole, a general survey of the conduct of our Government in the most important events of modern times.

Proceeding, sir, at once to the first and present branch of my pregnant theme, I will be allowed to premise that great and fundamental changes have occurred in the administration of the Government within a few years past. Upon the accession of the Democratic party to the control of Congress in 1843 and 1844, they found the policy lately before established by Federalists in full operation. True, President Tyler, as if directed by some divine power, had arrested that fearful and fatal consummation—a United States bank; but other measures little less mischievous survived to afflict the country. The mandamus and distribution acts still

blotted the statute book; the question of the policy and power of this Government to engage in schemes of internal improvement remained to be settled; the black tariff to be replaced by a revenue tariff; the constitutional treasury to be restored; and the graduation principle, if possible, ingrafted upon the present land system. In short, a thorough work of reform and restoration challenged our best efforts. And how was that work performed? We shall see.

Upon the meeting of the twenty-eighth Congress in 1843 and 1844, the members of the House of Representatives found themselves much embarrassed by a serious and important question, that stood in the way of the very organization of the body—which forced them to choose between disregarding what purported to be a law, and excluding several of the States from a voice in the proceedings of the body. This was the effect of the mandamus act, which deserves to be explained. The Constitution declares that—

“The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.”

This provision of the Constitution is of plain and obvious import; but a Federal Congress was not content to obey it. Rendered arrogant by the possession of ill-gotten power, they assumed the dictatorial authority to demand of the States to “make such regulations” as the Constitution left only to Congress to make: in other words, they assumed to do indirectly what they were afraid to do directly. They passed a law requiring such of the States as elected Representatives by “general ticket” to cease to do so, and elect by “districts.” The design of the law was obvious: it was to force New Hampshire, Georgia, Mississippi, and Missouri—four Democratic States—to abandon the mode of electing by general ticket, and to elect by districts. And its immediate effect would have been to exclude the Representatives from those States, eighteen out of twenty-one of whom were Democrats, from a seat in the House. Such, sir, would have been the effect of the law. Well, what was the result? The States compromised by the usurpation, and a Democratic Congress, true in their devotion to the Constitution and to State rights, disregarded it. They disregarded it for numerous reasons, cogent and strong. It was unconstitutional, because it affirmed a subordination of the States to Federal authority,

unknown to the Constitution; because, by a sort of legislative alchemy, it converted one power into two—the power of Congress to do a particular act into a compound power to require the States to do the same act. It was inexpedient, because it was designed to take immediate effect, which would have caused several of the States to incur the expense and trouble of holding extra sessions of their Legislatures to give the mandate effect. It was wrong, because its motive and its object was to contribute to a miserable, paltry, party triumph. And for these and other reasons, it was in effect set aside; and thus the way was opened to the great and brilliant political reformatory which have followed under Mr. Polk's administration.

The first of these, Mr. Chairman, to which I shall give my attention, is that which recent and present circumstances seem to demand should be first noticed: I refer to the bold and patriotic stand taken by the President upon the subject of internal improvements by this Government. I shall speak first to this subject, because justice to truth and the President demand that the attacks made upon both should be immediately repelled. Well, sir, what has been the course of the President upon this perplexing question? Upon succeeding to the Presidency, like President Jackson, he found himself much embarrassed by its inherent difficulties; which difficulties have been greatly aggravated by the conflicting legislation of Congress upon the subject. It is a fact, that for more than thirty years after the organization of the present Government, no act was passed by Congress appropriating public money for river and harbor improvements. It appears that our predecessors accorded this power to the States peculiarly. Warned by the experience of other nations, they held that an absolute money power was absolute despotism: and, therefore, such of them as assisted in framing the Federal Constitution, through a jealous fear, were unwilling to unite such a power with that of the sword, which was given to this Government. Such a conjunction—the purse and the sword—they thought would prove as disastrous to liberty here as it had elsewhere. Hence, in 1817 and 1818, Congress, in pursuance of this example of abstinence from the exercise of doubtful powers, passed the following declaratory resolutions in the negative; and that, too, after a protracted and elaborate debate, in which such statesmen as Barbour of Virginia, Blount of Tennessee, Cobb of Georgia, Desha of Kentucky, Holmes of Massachusetts, and Ringgold of Maryland, took an active and conspicuous part in the negative. The resolutions are as follow:

1st. *Resolved*, That Congress has power, under the Constitution, to construct post-roads and military roads: *Provided*, That private property be not taken for public use without just compensation.

Yeas 82, nays 84.

2d. *Resolved*, That Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the States: *Provided*, That private property be not taken for public purposes without just compensation.

Yeas 71, nays 95.

3d. *Resolved*, That Congress has power, under the Constitution, to construct canals for military purposes: *Provided*, That no private property be taken for any such purpose without just compensation therefor.

Yeas 81, nays 83.

Such, sir, was the course of Congress upon this

subject down to 1817 and 1818, and such the ground upon which it was rested. Yet, sir, according to the history of organized power everywhere, we find that in 1829, when General Jackson succeeded to the Presidency, this early and long-continued construction of the Constitution had been overthrown, and a most loose and latitudinous one adopted in its stead. Wild and extravagant schemes of internal improvement had become the order of the day. During the immediately previous administration of Mr. Adams, this policy had found the greatest favor and had been pushed to excess; so much so, that in less than ten years after its introduction, more than \$200,000,000 had been asked for various objects of internal improvement. President Jackson saw that the alarming evil demanded a speedy remedy, and he then boldly and nobly stepped forth to save his country from a career of corruption, bankruptcy, and ruin, as he had before saved her from the arms of a foreign foe upon the ever-memorable plains of New Orleans. He vetoed or refused to sign the following acts:

“An act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys.” “An act authorizing subscription for stock in the Louisville and Portland Canal Company.” “An act for the improvement of certain harbors, and the navigation of certain rivers.” And finally, “An act to improve the navigation of the Wabash river.”

In his objections to the last-mentioned act, he says:

“The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees on Internal Improvements bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which have been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress, presented, but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars.”

Much, sir, was thus done by President Jackson to correct a growing evil, the consummation of which must be corruption, bankruptcy, and ruin; but still, much remained to be done. The rule he laid down only reached a part of the evil, and did not go far enough; as he afterwards admitted. It was reserved for Mr. Polk to extend the rule, and strike at the root of the whole evil—to finish the work commenced by his illustrious predecessor. And how has he finished it? Simply by referring the subject of river and harbor improvements to the States, who may clearly take cognizance of it, with the consent of Congress. But I will let the President speak for himself. He says:

“The Constitution provides that ‘no State shall, without the consent of Congress, lay any duty of tonnage.’ With the ‘consent’ of Congress, such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the

States. The subject was fully considered by the convention that framed the Constitution. It appears, in Mr. Madison's report of the proceedings of that body, that one object of the reservation was, that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates; and among them, the support of seamen. Mr. Madison, treating on this subject in the *Federalist*, declares that—

“The restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the Federal Councils. It is needless, therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasonable discretion in providing for the convenience of their imports and exports, and to the United States a reasonable check against the abuse of this discretion.”

“The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes; but are restrained from abusing the power, because, before such duties can take effect, the ‘consent’ of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the national treasury, and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.”

“Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress.”

Such, Mr. Chairman, is a brief outline of the history of internal improvements by this Government, and such has been Mr. Polk's course upon that subject. Who now shall reproach him for broaching a new and untried theory? Who now shall condemn him for exercising, according to the dictates of his conscience, an unquestionable constitutional power—for vetoing one or two bills, the titles of which professed what was falsified by their enactments?—which united in grotesque and corrupt conjunction Great Wood Hole, Little Sodus bay, Hog Island channel, and the like nomenclature, with the mighty Mississippi and great lakes—which would have taken from the treasury, in time of war, perhaps millions of money, and thereby lessened the ability of the Government to feed and clothe our armies and maintain their success in the field; which would have created a national debt *pro tanto*, and thereby, perhaps, a national bank—thus leading ultimately to the corruption and consolidation of our system of Government, and consequently to despotism. I too, sir, voted against these bills, for which I also have been abused; but with no other effect than to confirm me in a fearless and faithful discharge of my duty. I also voted against a certain resolution declaratory of the power of Congress over the subject of internal improvements, which was adopted here a few days ago. I voted against that resolution for many reasons, and, among others, because I thought it was thrust upon the House out of time and propriety; because the previous question

was asked upon it before it was read at the Clerk's desk, which was ordered by the combined vote of the Federal side of the House—thus cutting off all debate, consideration—

Mr. BRODHEAD. And amendment; and to bring the Democratic party into trouble.

Mr. McCLERNAND. Yes, sir, and amendment. I voted against it, because it appears to be artfully drawn up, so as to afford a constitutional sanction to profligate bills already vetoed, or which may hereafter deserve to be vetoed; and because, too, I thought I discovered a covert blow in it, aimed at the President, as was proven to be true by the declaration made immediately upon the passage of the resolution, that “a bill would be founded upon it which would be passed over the President's head.”

I have reason to believe, sir, that the plan proposed by the President will prove satisfactory to the State I have the honor in part to represent. Bounded on the west by the Mississippi, on the south by the Ohio, on the east by the Wabash—three great rivers, floating a vast amount of commerce and tonnage—she would be furnished with ample means, at the lowest rate of tonnage duties, to improve and perfect the navigation of these and other rivers, including the Illinois and Rock rivers, in which she is immediately and greatly concerned.* Bounded on the north by Lake Michigan, there she would be equally well supplied with the means of improving and securing her only two harbors, at Chicago and Little Fort; the trade at which, especially at Chicago, the pride of our State, is now quite large, and is rapidly increasing. It will not only do all this, but it will exempt Illinois from the burden of paying heavy and perpetual contributions for the improvement of harbors and the navigation of rivers in which she is not interested. And this reasoning should apply with equal force to Indiana, Kentucky, Mississippi, Arkansas, Iowa, and Missouri—whose rich and populous city of St. Louis would afford abundant means to make and preserve one of the best harbors in the world—and, in fact, with more or less force to all the States.

The President may well suppose that those who pay have the best right to say how much, and for what, they should pay; that those who are immediately engaged in commerce are better judges of the means of facilitating and promoting it, at the least expense, than agents of this Government, owing no responsibility to them, and educated to different pursuits. In short, he affirms the competency of the States for self-government, and that the nearer delegated power can be brought to the people, its source, the better. And who shall venture to deny these great axiomatic truths?

But other considerations, Mr. Chairman, should commend the plan of the President to general favor. It will materially contribute to restrain the patronage and power of this Government within safe and

* The Wabash, for example, with its tributaries—affording, during the spring freshets, a navigation of about twenty-five hundred miles, and an outlet for about one-half of the surplus products of Indiana and about one-fourth or fifth of those of Illinois, to seek a market—has been refused appropriations by Congress to improve its navigation; but, under the plan proposed, Illinois and Indiana would be fully enabled, by laying a small duty upon the tonnage of that river, to render its navigation certain and secure. And the same may be said of the Illinois, the Cumberland, the Tennessee, and other rivers.

constitutional limits. And what is the necessity for this? Perhaps no other Government has made such rapid and gigantic strides in the acquisition of patronage. The apprehension of some of its framers, that it would prove too feeble to fulfil the purposes for which it was instituted, has long since been supplanted by the fear that it would concentrate in itself all the powers of our compound political system. Behold it armed with the power to declare war, to raise and support armies and navies, to call out the militia of the States, and to direct and control this formidable array, comprehending the whole physical and pecuniary ability of the country! Behold its vast patronage, displayed in a thousand forms, penetrating every part of the Union, and to the remotest bounds of our territories, subduing the capacity of the States and of the people to resist encroachment and corruption, and drawing to the support of the Government an army of two hundred thousand officers, agents, employees, and beneficiaries, more or less dependant upon its grace and favor for bread and social position!*

Already, as the sheaf of the patriarch in the vision, all the other sheaves are required to bow down before it, and even the stars composing our political constellation are held to render it obeisance. Twenty-one years ago, Colonel Benton, in his justly-celebrated report on Executive patronage, in the Senate, held this emphatic language:

"The power of patronage, unless checked by the vigorous interposition of Congress, must go on increasing, until Federal influence, in many parts of the Confederation, will predominate in elections, as completely as British influence predominates in the elections of Scotland and Ireland, and in the great naval stations of Port-mouth and Plymouth. In no part of the practical operation of the Federal Government has the predictions of its ablest advocates been more completely falsified than in this subject of patronage."

Such, sir, has been the tendency of our political system, and such already is the overshadowing influence of this Government; which influence must continue to increase in geometrical progression, as long as the public revenues and expenditures increase, from the fact, that every additional officer will bring with him an additional circle of friends, relatives, and dependants, to swell its extent. None can doubt the importance of remedying this enormous evil; but the policy of those who would embark the Government in schemes of internal improvement, would prodigiously aggravate it. Such a policy, in practice, would find no other limits than those of our territory—extending from the St. Croix to the Rio Grande, and from the Atlantic to the Pacific—and, as a necessary consequence, would involve a corresponding increase of patronage. Its end would be an oppressive public debt; and what right has the Government to mortgage the bones and muscles and toil of future generations, to pay the cost of its folly and improvidence? Such a policy, instead of inculcating public virtue and economy, must impel every State in the Union, from a sense of self-preservation, to enter into the general scramble to despoil the Government of its revenues. Its morality will be illustrated in the highest need of the Senator or Representative who can boast of having robbed the treasury of the largest amount of money. President Polk seeks to avert this terrible calamity from his country;

and upon the ground of public policy alone, upon which I rest this argument, his plan should prove generally acceptable.

But, sir, time presses, and I must pass on more rapidly. Early during Mr. Polk's administration, the question of the repeal of the law distributing the proceeds of the sales of the public lands among the States, came up for consideration. This measure originated with the great man of Ashland, (Mr. Clay,) who continued to urge it with his talents and influence, until it obtained the sanction of Congress. General Jackson, with different views of public policy, regarded the measure as of dangerous tendency, and, therefore, arrested its consummation by the Executive veto. We all recollect the fierce partisan war that was waged against the "Old Hero" for this act, and how he bore himself triumphantly in the contest. Thus defeated, the measure remained inoperative until 1841; when a "Federal Congress" exhumed it from the grave, and galvanized it into a sort of *quondam* rickety existence. Tradition tells us that *distribution*, and that other short-lived and execrable shape, the *bankrupt law*, came forth as twin and dependant offspring of the same adulterous parentage. They came forth as the formidable shapes that sprang from the brain of Lucifer to guard the gates of Hell:

"The one seem'd woman to the waist, and fair;
But ended foul in many a scaly fold;
Voluminous and vast!—a serpent arm'd
With mortal sting; about her middle round,
A cry of hell-hounds never ceasing bark'd
With wide Cerberus mouths full loud, and rung
A hideous peal; yet, when they list, would creep,
If aught disturb'd their noise, into her womb,
And kennel there."

Such was the image of that frightful moral prodigy, the bankrupt law, with its foul and double features of voluntary and involuntary bankruptcy; which mocked at the faith of contracts, and afforded a sanctuary for near fifty thousand debtors against the demands of their honest creditors; the enormity of which soon brought upon its authors the necessity of repealing it—of committing a sort of political infanticide.*

"The other shape,
If shape it might be called that shape had none,
Distinguishable in member, joint, or limb;
Or substance might be called, that shadow seem'd,
* * * * * What seem'd his head
The likeness of a kingly crown had on."

This, sir, was the likeness of distribution, with its shadowy and conditional operation to disperse the proceeds of the sales of the public lands among the States, when the revenue from imports, taxed at a certain maximum rate of duties, should prove sufficient to support the Government. This measure was objectionable on many accounts. It was objectionable, because its tendency was to perpetuate a land system which has already drawn more than \$100,000,000 from the infant communities of the west and southwest, as the price of the homes they have found in the wilderness, and dignify by their courage and patriotism; which has drawn from Illinois alone more than \$10,000,000, and which, aggravated by distribution, would tend to degrade the States to the character of mendicants at the throne of Federal power, by the hope of receiving periodical alms. Distribution, sir, is the

* The number of these persons, as estimated by Mr. Calhoun, in his elaborate report on Executive patronage in the Senate, February 9, 1835, was 100,079. Ten years time and the war, have no doubt doubled the number.

* The aggregate amount of debts given in, under the bankrupt law, was \$336,570,295 66; the aggregate amount of property surrendered by the debtors was \$85,315,489 12; and the aggregate number of creditors given was 1,276,659.

entering wedge of a high restrictive tariff, which must tax the people of the new States unequally as consumers, to buy more and more lands, to be sold chiefly to themselves at an advanced price, in order that the proceeds thereof may be distributed among all the States. And for these, and other reasons unnecessary here to be mentioned, the distribution act was repealed.

Yes, sir, distribution was not only repealed, but Mr. Polk and the Secretary of the Treasury, Mr. Walker, cogently recommended the antagonistical democratic measure of the graduation and reduction of the price of the public lands to settlers and cultivators. They recommended this measure; and I, as a member of the Committee on Public Lands, had the honor of bringing it in a legislative form before this House. And what was the result? It was strenuously opposed by the whole Federal phalanx; particularly by the gentleman from Vermont, [Mr. COLLAMER,] whose abilities now grace the head of the Land Committee; by the distinguished gentleman from Ohio, [Mr. VINTON,] who has been promoted to be chairman of the Committee of Ways and Means; and by the eloquent gentleman from Georgia, [Mr. STEPHENS,] with whom I have the honor to be associated on the Land Committee, and I hope not without the prospect of moving his bowels to compassion for the meritorious but much-abused class of pioneers and settlers. It was thus opposed; yet, sir, after one of the most tremendous struggles which ever occurred in Congress, it was passed by this House, and afterwards by the Senate, with some modification, which caused it to be lost for the want of time for its further consideration.

It is to be regretted, sir, that so important a measure should have been lost. Its enactment into the force of a law would have been attended with the most beneficial consequences. It would have reduced and graduated the prices of the public lands according to their actual value, and thus strengthened the liberties of the country by increasing the number of independent freeholders. It would have increased our agricultural surplus, and thereby our national wealth, by extending the area of agricultural labor. It would have hastened the period for lopping off a cumbrous and expensive branch of Federal patronage. It would have secured to the Government a fair equivalent for the public lands. In fine, it would have crowned the labors of a Democratic Administration with complete success. Lost, however, as the measure was, it is still the merit of a Democratic President and Congress that its principle was, for the first time, concurrently approved, under their auspices, by two departments of the Government.

But, sir, as glorious as these results, another equally, if not more glorious, remains to be added. I refer to the liberation of the country, and its labor and interests, from the shackles of a restrictive and oppressive tariff. As Jefferson had contributed to redeem the country from the despotism of the alien and sedition laws—as Jackson, with a bold hand, had struck down that harlot of iniquity, the United States Bank—as Van Buren had released the Government from a corrupting connection with State banks, and poised it upon its own self-acting and self-preserving powers, under the Constitution; so President Polk, emulating these great examples, has contributed powerfully, by his well-directed and persevering efforts, to relieve the

country from the blighting system of commercial restrictions.

The oppressive and unjust tariff of 1842, enacted by a Federal Congress, was in full operation when Mr. Polk came to the Presidency; and, like all other enactments founded in the interests of favored classes, was strong in its very principle of exclusion. Five hundred thousand manufacturers, with all their influence of capital, business, and association, sustained it with the unity of a common interest and the activity of one will. Clad in purple and tinselled with gold, they contended for the retention of a profit of 50, 100, and 150 per cent. per annum upon capital, against more than four millions of agriculturists, artisans, and navigators, whose only object was to obtain a fair reward for labor. The contest was for a long time doubtful. Once tawdry wealth overcame honest toil; but justice and the democracy of numbers finally triumphed, and the "black tariff" of 1842 was replaced by the revenue tariff of 1846. Happy, glorious result!—the emancipation of labor from the bonds of capital!—a second declaration of independence! The grand and instructive event should ever stand as a light and a guide for the future!

Whatever, sir, may be the policy of other nations, that of the United States consists preëminently in free trade. Experience not only bears testimony to this great truth, but God himself has stamped it with an omnipotent hand in the everlasting features of the country—in its vast extent, its diversities of soil and climate, its superior adaptation to the production of breadstuffs and cotton, the great staples for feeding and clothing mankind—which, in our hands, must eventually secure us the control of the commerce and exchanges of the world. Hear, sir, what the great man who will leave a reverse impress equal to that left by Alexander Hamilton upon our civil institutions and who now presides over the Treasury Department, says of its beneficent operation and promise in his late report:

The net revenue from duties during the twelve months ending 1st December, 1847, under the new tariff, is \$31,500,000; being \$3,528,593 more than was received during the twelve months preceding, under the tariff of 1842. The net revenue of the first quarter of the first fiscal year, under the new tariff, was \$11,105,257 41; whilst in the same quarter of the preceding year, under the tariff of 1842, the net revenue was only \$8,133,823 58. If the revenue for the three remaining quarters should equal in the average the first, then the net revenue from duties, during the first fiscal year of the new tariff, would be \$44,425,029 64. If, however, the comparison is founded on all the quarterly returns for forty-eight years, (as far back as given quarterly in the treasury records,) and the same proportion for the several quarters applied to the first quarter of this year, it would make its net revenue \$40,388,045.

"Comparing the first twelve months ending the 1st of December, 1847, under the new tariff, with preceding years, we find proofs of increased prosperity. The revenue has largely augmented; so also have the imports, exports, and tonnage, our imports of specie, our coinage at the mint, our agricultural and mineral products, our commerce and navigation, the business upon our lakes, rivers, and coastwise—upon our railroads and canals—whilst in every direction manufactures are being established or enlarged, and new manufacturing towns and cities are springing into existence."

"Instead of ruin, we find prosperity; the manufacturers receiving fair profits, and the workmen augmented wages and employment." * * * "And now, when, under our successful example, the ports of Europe are most probably about being more widely opened to all our exports, shall we check the advancing spirit of the age, and extinguish the dawning light of commercial freedom? Everywhere nations are being aroused upon this subject; their statesmen are resisting the interested classes, and exposing

the injury and injustice of shackles upon trade, and will soon enroll the names of other countries on the great international league of commercial freedom for the benefit of mankind. It was our own country and her public functionaries who proclaimed these great truths before they had received the sanction of other nations."

"With such results already from our efforts, we have every motive to persevere until the free-trade doctrines of Great Britain and America—the two great nations of kindred blood and language—shall open the ports and disenthral the commerce of the world."

"France, Russia, Germany, Austria, Italy, Prussia, Switzerland, Holland, Belgium, Denmark, and Sweden, and even China, have moved, or are vibrating or preparing to move in favor of the same great principle; and if our own country and Great Britain adhere to their present enlightened policy, the rest of the world must lose their commerce, or adopt, as they will, our example."

I come now, Mr. Chairman, to speak of the last measure in the series of the triumphs of this Administration to which my limited time will allow me to give attention at present. I refer, sir, to the constitutional treasury, upon which that great and virtuous statesman, President Van Buren, fell; but which, under Mr. Polk's recommendation, has superseded the act of 1789, for the custody of the public money. This measure, like the revenue tariff, was strenuously opposed by the horde of bankers, brokers, stock-jobbers, and usurers; many of whom, as custodiers of the public treasure, had speculated upon it, from the repeal of the constitutional treasury in 1841, by a Federal Congress, to the date of its restoration, in 1846, by a Democratic Congress; and who, therefore, were unwilling to give it up. The country may now congratulate itself upon a better state of things. The taxes drawn from labor are no longer subject to bank failures and bank frauds—they cannot be prostituted to party purposes—they are in the responsible custody of the law. The simplicity of such a system of finance, in its direct provisions, for the collection, safe-keeping, and disbursement of the public revenues, by officers appointed, and penally and otherwise bound for that purpose, should commend it to the especial favor of the friends of State rights and republican virtue. But hear, again, what the Secretary of the Treasury (Mr. Walker) says of the operation of the constitutional treasury:

"The receipts and disbursements of the Government in specie, during the last eleven months, have amounted, together, to the sum of \$98,294,402 49; and not a dollar has been lost to the treasury, nor any injury inflicted upon any branch of commerce or business. The constitutional treasury has been tried during a period of war, when it was necessary to negotiate very large loans, when our expenditures were being increased, and when transfers unprecedented in amount were required to distant points for disbursement. During the last eleven months, the Government has received, transferred, and disbursed more specie than during the whole aggregate period of fifty-seven years preceding since the adoption of the Constitution."

"During the year ending 30th June, 1847, our imports of specie were \$24,121,229, most of which, under former systems, must have gone into the banks, to have been made the basis of issues of their paper to the additional amount of fifty or sixty millions of dollars. Such an expansion, during the last spring and summer, accompanied by still higher prices, and followed by a greater fall, and by bankruptcies in England to an extent heretofore unknown, finding our banks and credit greatly expanded, and reacting upon this expansion, would have produced a revulsion here exceeding any that has heretofore occurred in the country. A general suspension of the banks would probably have resulted; depressing the wages of labor and prices of property and products; affecting injuriously the operations and credit even of the most solvent, and producing extensive bankruptcies. From this revulsion we have been saved by the constitutional treasury, by which the specie imported, instead of being converted into bank issues, has been made

to circulate directly to a great extent as a currency among the people. * * * The banks that so unwisely opposed the system have been rescued, probably, from another suspension; their stockholders, depositors, and note-holders from severe losses; and the country and Government from the ruinous effects of a depreciated paper currency."

"The Government is now disconnected from banks, and yet its stock and notes are at par, although we have been constrained to contract heavy loans, and to keep larger armies in the field than at any former period. But during the last war, when the Government was connected with banks, its six per cent. stock and treasury notes were depreciated twenty-five per cent., payable in bank paper twenty per cent. below par; thus amounting to a loss of forty-five cents in every dollar upon the operations of the Government."

This quotation, Mr. Chairman, closes my hasty and, I fear, very imperfect sketch of the internal or domestic policy of Mr. Polk's administration; my vindication of the model President—the man who has conducted one of the most brilliant wars of any age—who has effected the greatest state reforms of modern times—who, unambitious and unassuming, rose upon the spontaneous suffrages of his countrymen to the highest civil station on earth, in which he stands forth the faithful reflex of their sentiments and opinions, and the admired representative of a great nation. Yes, sir, all this, and more, has been achieved under the auspices of Mr. Polk's administration; upon which we, his friends, tender you, his opponents, the issues offered by great principles. Will you meet these issues? We challenge you to meet them. If you are still for a national bank, a restrictive tariff, distribution, schemes of internal improvement, *et alia* enorma of Federalism; if you would still pursue a policy which must unavoidably make the rich richer and the poor poorer—which must dangerously strengthen this Government, at the expense of the States and the people,—say so. Do not skulk behind a military chieftain, nor seek to shield yourselves by a temporary excitement or prejudice, which, when passed away, must leave you sunk still deeper in the mire of your political sins.

Yes, sir, under Mr. Polk's administration, the column to Democracy has been completed. Based upon truth, crowned with victory, inscribed with "equal rights," "free trade," "cheap lands," "constitutional treasury," "hard money," and the "onward march of liberty," it will ever stand an imperishable monument of the fame of its architect and the glory of the Republic.

But what, sir, have our opponents done in the mean time? Without recurring to the past, I will speak only of the present. We know you voted that Mexico commenced the present war by her aggressions. We know you voted to place the army and navy of the United States—50,000 volunteers and \$10,000,000—at the disposal of the President, to wage this war on our part. And we know that you have now turned round and voted that this same war was not commenced by Mexico, but unnecessarily and unconstitutionally by President Polk. We also know that southern pro-slavery men and northern anti-slavery men, of the same political party, have united in electing our worthy and distinguished Speaker, who, in moving the exclusion of slavery from Oregon, where it could not exist, introduced and provoked the agitation of the principle of the Wilmot proviso, for which he should be held responsible or applauded, according to the judgment of a patriotic people.

OPINIONS OF THE WHIGS, AND THE CHARACTER OF THE WHIGS, GIVEN BY WHIGS THEMSELVES.

"Out of thy own mouth will I condemn thee."

John Quincy Adams's opinion of the modern Federal Whig party :

"Of that [the Federal Whig] party, TREACHERY is so favorite an instrument, that I have heard Mr. Burgess (Hon. Tristram Burgess) complain that they have used it even with him. IT IS THEIR NATURE AND THEIR VOCATION. I welcome the result of your election as a pledge that their chalice is returning to their own lips—they betrayed Mr. Burgess by not electing him to the Senate of the United States. Their own organ in Providence (the Providence Journal) charges the loss of his election to the House, upon their *treachery*. So will it, and so mote it always be—THEY HAVE NO HONEST PRINCIPLE TO KEEP THEM TOGETHER—their only cement is a SYMPATHY OF HATRED TO EVERY MAN OF PURER PRINCIPLE THAN THEMSELVES."—*J. Q. Adams's letter to Dutee J. Pearce, dated September 7, 1835.*

John Quincy Adams's opinion of the old Federalists, now composing the most respectable portion of the modern Whig party :

"A SEPARATION OF THE UNION was openly stimulated in the public prints, and a convention of delegates of the New England States, to meet at New Haven, was intended and proposed.

That their (the Federalists') object was, and had been for several years, a DISSOLUTION OF THE UNION, AND THE ESTABLISHMENT OF A SEPARATE CONFEDERATION, he knew from unequivocal evidence, although not proveable in a court of law; and that, in case of a civil war, the aid of Great Britain, to effect that purpose, would be as surely resorted to, as it would be indispensably necessary to the design."—*Nat. Intel. Oct. 21, 1827.—Article authorized by Mr. Adams.*

"That project, (the dissolution of the Union,) I repeat, had gone to the length of fixing upon a military leader for its execution; and, although the circumstances of the times never admitted of its execution, nor even of its full development, I had yet no doubt, in 1808 and 1809, and have no doubt at this time, that it is the key to all the great movements of these leaders of the FEDERAL PARTY in New England from that time forward, till its final catastrophe in the Hartford convention."—*Mr. Adams's letter to the Boston Federalists, dated Dec. 30, 1838.*

General Harrison's opinion of Henry Clay :

"I will do my duty, even if Mr. Clay is to be benefited by it, from whom I have experienced only UNGENEROUS TREATMENT, IN REQUITAL FOR YEARS OF DEVOTED SERVICE."

General Harrison's letter to Mr. Brent, in the winter of 1841 :

"I have done him (Mr. Clay) many favors, but he has returned them all with the BLACK-EST INGRATITUDE."

Mr. George E. Badger's opinion of Henry Clay :

"Mr. Clay, of Kentucky, was one of the four candidates for President; but, having the lowest number of electoral votes, was excluded from the House. The State from which he came had instructed her members, in the event which had then happened, to support General Jackson; but, under the influence of Mr. Clay, a man of intrigue, and of eloquence, of unbounded ambition, and of talents above mediocrity, these members, with those of other western States, voted for Mr. Adams, and his election was the result. Immediately after his elevation, Mr. Adams appointed Mr. Clay Secretary of State, in power and influence the second station of our government, and generally thought to be an introduction to the first.

"Between these two gentlemen there had been previously neither confidence nor affection; and Mr. Clay had publicly expressed, in language not to be misunderstood, a disbelief of Mr.

Adams's political integrity and patriotism. How, then, are you to account for Mr. Clay's support of Mr. Adams, in opposition to the declared wishes of Kentucky? Mr. Clay, indeed, and his friends, have endeavored to put his choice on the ground of love of country—on his belief of Jackson's entire unfitness for the office. But though Mr. Clay had disapproved in Congress of General Jackson's conduct in the Seminole war, yet, in the very speech in which his disapprobation was expressed, he declared that General Jackson had shed much glory on our country, and that towards him he 'never had, and never could have, any other feelings than those of the most profound respect and the utmost kindness.' Why, then, did he desert the man who was the favorite of the nation—the choice, next to himself, of Kentucky—the man for whom he cherished the 'utmost kindness,' and 'most profound respect,' in order to give his support to one for whom he felt neither respect nor kindness, of whose patriotism he entertained (to say the least) strong suspicions, and against whom the voice of the nation, and especially of the State from which Mr. Clay came, had been distinctly expressed?

"Take the facts, and answer for yourselves—whether it be harsh or uncharitable to conclude that he voted for Mr. Adams in the expectation of being Secretary of State—and that this expectation decided his vote. Let the friends of Mr. Clay protest against the conclusion with whatever of earnestness they can press into the service, and the common sense of mankind will still find in his conduct the ground of serious suspicion. They may contend that there is not proof to convict him in a court of justice, and subject him to an ignominious punishment. If this were allowed, it will avail them nothing, for the inquiry is not about inflicting punishment on Messrs. Adams and Clay; it is about the propriety of continuing them in public stations of power and influence; and, with due submission, the difference is vastly important. We pity the miserable wretch dragged to the bar, for whom the scaffold or the whipping-post is in waiting; and the humanity of the law coincides with our own compassion in pronouncing that doubt shall be followed by acquittal; but to him who claims our confidence, probable suspicion is just ground of refusal; and many are the men dismissed by an acquittal from a court of justice, who, upon grounds which the law cannot notice, stand condemned before the tribunal of public opinion. Aaron Burr was acquitted—and rightly acquitted, too—for want of evidence; but think you he is a fit object to attract confidence?—is he entitled to support?

"Thus, then, as we conceive, it sufficiently appears that Jackson, the man of the people, was, at the last election, defeated, not upon any considerations of comparative merit between Mr. Adams and himself, but in order that Mr. Clay might be Secretary of State, and heir apparent to the Presidency. And can it be seriously contended that you ought, or that you properly can give your sanction to this apostasy from principle—your support to this ambitious project? Because Mr. Clay once forgot his duty, and imposed upon the nation a President whom the nation did not desire, ought you to forget your interests and your rights, offer a reward to treachery, and thus set an example fatal to the fair and equal operation of our constitution?"—*Address to the people of North Carolina in 1828, written by Mr. Badger.*

N. B.—Mr. Badger was Secretary of the Navy under General Harrison, and is now one of Mr. Clay's warmest supporters in North Carolina. What honest principle can bring such men together?

Another opinion of Henry Clay, expressed by the Hon. George E. Badger:

"You have seen the Secretary of State challenging to mortal combat a member of Congress for daring, in his place, on the floor of the Senate, to examine with freedom, and expose with boldness, the conduct of the Secretary. You have seen the same officer, forgetful of what belongs to his high station, ASSUME THE CHARACTER OF A TRAVELLING SPEECH-MAKER, and harangue public gatherings in Kentucky, Pennsylvania, and Virginia, boasting of his intrepidity and virtue, and discharging his malignity towards Jackson, sometimes in gross abuse, and sometimes in IMPIOUS APPEALS TO HEAVEN."

Same address to the people of North Carolina:

"Do we not now see this same Henry Clay, 'forgetful of what belongs to his high station, [aspirations,] assume the character of a TRAVELLING SPEECH-MAKER,' haranguing 'public gatherings' at New Orleans, Mobile, Savannah, and Charleston—sometimes, it has been said, on the SABBATH DAY—and for what purpose? None other than TO MAKE HIMSELF PRESIDENT! How degrading to the high office to which he aspires! How shocking to the sensibilities of every patriotic American!"

Opinion expressed by the Boston Atlas (the leading Whig paper of Massachusetts) of Henry Clay:

"We supported him [Clay] once for the Presidency, AND WOULD DO SO AGAIN, WERE

WE NOT, IN SO DOING, ALMOST SURE OF DEFEAT. BUT MR. CLAY IS DEFICIENT IN POPULARITY.

Mr. Clay's influence failed to sustain J. Q. Adams in the presidential chair. With all the efforts made to elect Mr. Clay himself in 1832, he succeeded in obtaining only *forty-nine* electoral votes; and in the election of 1836, himself and his friends were so well satisfied of his deficiency in popular favor, that they did not attempt to run him at all. IS NOT THIS DECISIVE EVIDENCE AS TO MR. CLAY'S POPULARITY?"—*The Atlas of Sept. 14, 1838.*

"That Mr. Clay is the chosen candidate of the aristocracy of the whig party, is unquestionable; and it is equally unquestionable that very earnest and zealous efforts will be made to impose him upon the whigs as their candidate. It is also certain that Mr. Clay is *not* the choice of the democracy of the whig party. Apart from other sufficient reasons, therefore, which we shall give hereafter, the very fact that Mr. Clay is the darling of the aristocratic whigs, or rather the very cause which makes him so, operates, in the nature of things, to prejudice him in the eyes of the democratic whigs, and to lead them to fix their choice upon some other candidate."—*The Atlas of Nov. 20, 1838.*

Opinion of Henry Clay, expressed by the Hon. Thomas Butler King, a leading whig of Georgia, in 1840:

"He (Mr. Clay) has recently hoisted the flag of a *fifty million bank*. This is his last great move for the presidency. He says, in language not to be misunderstood, to 'commercial and manufacturing interests of the North, 'Make me President, and I will give you a bank of fifty millions.' *He was the father of the American system, and now seeks to be the father of a national bank.* SUCH A PROGENY, LEAGUED WITH SUCH A PARENT, WOULD CONSOLIDATE THE UNION IN AN UNMITIGATED DESPOTISM, OR BREAK IT INTO FRAGMENTS."

HENRY CLAY IN FAVOR OF DIRECT TAXATION.

The following is an extract from a speech delivered by Mr. Clay in 1820, which will be found in the Life and Speeches of Henry Clay, published by Greeley & McElrath, of the New York Tribune, vol. 1, pages 146 and 147:

"Can any one doubt the *impolicy* of government resting *solely* upon the precarious resource of such a revenue? *It is constantly fluctuating.* It tempts us, by its enormous amount, at one time into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced, by its *flattering promises*, into expenses which we might avoid; and we are afterwards *constrained, by its treachery*, to avoid expenses which we ought to make. It is a system under which there is a sort of *perpetual war* between the interest of the Government and the interest of the people. Large importations fill the coffers of Government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war, the revenue disappears; in peace, it is unsteady. On such a system the Government will not be able much longer to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue *within ourselves.* I was opposed to the total repeal of the INTERNAL REVENUE. I would have preserved certain parts of it at least, to be ready for emergencies such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute for the revenue levied on them a tax upon the spirits made within this country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry, you will LAY A BASIS OF INTERNAL TAXATION, when it gets strong, that will be STEADY and UNIFORM, yielding alike in peace and war. We do not derive our abilities abroad to pay taxes: that depends upon our wealth and industry; and it is the same, WHATEVER MAY BE THE FORM of levying contributions."

Mr. Clay's scheme is to make the tariff on foreign imports so high as to amount to *prohibition*—thus cutting off a supply of revenue from that source, and necessarily compelling a resort to DIRECT TAXATION.

HENRY CLAY'S PROFANITY.

The following statement, made in the Globe at the time the circumstance transpired, has never been contradicted by Mr. Clay, or any of his friends:

From the Washington Globe, February 7, 1838.

A statement of a scene in the House of Representatives, by a gentleman who will vouch for it, if necessary, and prove it by members whose names are given by him. The statement is as follows:

"Being called on, I deem it my duty to state that yesterday, in the House of Representatives, immediately after the Speaker gave the casting vote on the Mississippi election question, the Hon. Henry Clay, looking in the direction of the Speaker, exclaimed, 'Go home, God damn you! where you belong!' These epithets were uttered just as the Speaker gave his vote. Mr. Clay was standing near the western entrance to the Hall, and close to the bar of the House. I was standing within five feet of Mr. Clay. Mr. Chaney, of Ohio, sitting in his seat, was so near Mr. Clay that he heard his remark, and immediately committed it to writing. Mr. Gallup, of New York, was standing near, and heard the same remark very distinctly."

HENRY CLAY OPPOSED TO THE RIGHT OF SUFFRAGE.

"The last, though not least, instance of the manifestation of a spirit of disorganization [the attempt of the people to secure the right of suffrage] which I shall notice, is the recent convulsions in Rhode Island. That little but gallant and patriotic State had a charter, derived from a BRITISH KING, in operation two or three hundred years. * * * The President was called upon to interpose the power of the Union to preserve the peace of the State, in conformity with an express condition of the Federal Constitution. I have as much pleasure in expressing my opinion that he faithfully performed his duty, in responding to the call, as it gave me pain to be obliged to animadvert on other parts of his conduct."—*Speech of Mr. Clay, at Louisville, in the autumn of 1842.*

For this support of these principles, the Clay Club at Providence, composed entirely of "Algerines," or supporters of the old Charter Government, *unanimously* adopted the following preamble and resolutions, in which they declare that his opposition to the right of suffrage, which he manifested in his support of the Charter party, constituted one of "his strongest titles to their confidence and support:"

"Whereas Henry Clay took a decided stand in defence of the principles of law and order, during the late rebellion in Rhode Island; therefore,

"Resolved, That, in the judgment of this meeting, the conduct of Mr. Clay upon the Rhode Island question constitutes one of his strongest titles to the confidence and support of Rhode Island men."

Daniel Webster's opinion of protection.

"Equal delusions prevail in other parts of the country—as, for instance, the notion that the protection of manufactures is a thing peculiarly beneficial to those engaged in those pursuits. Far from it."

Daniel Webster's patriotism.

"I would not vote for this appropriation [for the defence of the country] if the enemy's cannon were battering down the walls of the Capitol."—*Daniel Webster's speech in the Senate, pending the difficulty with France.*

Comment by John Quincy Adams:

"The man who would be guilty of uttering a sentiment so unpatriotic, at a crisis like this, has but one step more to take, and that is—to join the enemy!"

Immorality and profligacy of Whig editors.

James Watson Webb, editor of the New York Courier and Enquirer, recently published the following of Horace Greeley, editor of the Tribune of the same city:

"We are not, directly or indirectly, interested in lands or stocks of Texas, to the amount of one cent, and this the organ of *Fourierism* [the Tribune] well knows. But the charge is quite as true, as is the pretence that *Fourierism* is not directly opposed to religion and morality, and not based upon the most indiscriminate and profligate intercourse of the sexes. The organ of such a scheme for demoralizing and degrading to the lowest depths of bestiality a whole people, is at liberty to coin and publish its falsehoods against us whenever it thinks it can make the operation profitable."

Remarkable Federal Whig sentiments, ancient and modern.

"The people of all nations are naturally divided into two sorts—the gentlemen and the simple men—the latter signifying the common people, such as farmers, mechanics, and laborers; and the former, the richer portions, and those born of more noted families."—*John Adams.*

"I contend that the English Government is the most stupendous fabric of human wisdom."—*John Adams.*

"The POOR are destined to labor, and the RICH are qualified for superior stations."—*John Adams.*

"I have well considered the subject, and am well convinced that no amendments to the articles of confederation can answer the purpose of a good government, so long as the State Governments do in any shape exist."—*A. Hamilton.*

"I despair that any republican form of government can remove the difficulties that Greece and Rome encountered."—*A. Hamilton.*

"I believe the British Government to be the best model the world ever produced."—*A. Hamilton.*

"All political communities ought to be divided into the FEW and the MANY—the first are the RICH and the WELL-BORN, the other THE MASS OF THE PEOPLE."—*A. Hamilton.*

"The people are turbulent and changing; they seldom judge or determine right."—*A. Hamilton.*

"Nothing but a permanent body [of life legislators] can check the imprudence of democracy."—*A. Hamilton.*

"See the excellency of the British Executive. He is placed above temptation. Nothing short of such an executive [a King] can be efficient."—*A. Hamilton.*

"The second branch of the Legislature ought to be composed of men of GREAT AND ESTABLISHED PROPERTY; AN ARISTOCRACY! men who, from pride, support permanency. To make them completely independent [of the people,] they must be chosen for life. Such an aristocratic body would keep down the turbulence of democracy."—*Speech of Mr. Morris, a leading Federalist, in the convention that framed the Constitution.*

"Freeholders are, commonly speaking, persons of sober, frugal, and temperate habits, little disposed to abuse power, or forget right. But what is the character of the POOR? Generally speaking, vice and poverty go hand in hand."—*Judge Van Ness, a noted Federalist of New York.*

"Is there in human affairs an occasion of profligacy more shameless or more contagious than a GENERAL ELECTION? Every spring gives birth and gives wings to this EPIDEMIC MISCHIEF."—*Fisher Ames, a leading Federalist.*

"Our Constitution is no better than any other piece of paper, nor so good as a blank, on which a more perfect one could be written."—*F. Ames.*

"Our Federal Republic was manifestly founded on a mistake—on the supposed existence of sufficient political virtue in the people, and on the permanency and authority of public morals."—*F. Ames.*

"It seems strange that the founders of the Constitution did not make some regulation of the right of suffrage, so as to secure to men of property their due weight and influence in society; for it ought to be deemed a first principle in all free countries, that PROPERTY SHOULD GOVERN."—*A member of the Hartford Convention.*

"There is a tendency in the POOR to COVET AND SHARE THE PLUNDER OF THE RICH."—*Chancellor Kent, in the New York Convention.*

"That man who holds in his hands the subsistence of another, will always be able to control his will. Such a person will forever be the CREATURE of the one who feeds, shelters, clothes, and protects him. THIS CLASS OF PERSONS [laborers and all persons employed at wages] would be as SUBSERVIENT TO THE WILL OF THEIR EMPLOYERS AS PERSONS OF COLOR."—*Judge Spencer, in the New York State Convention.*

"Those who merely perform MILITARY SERVICE and labor on the roads, do not ordinarily compose that CLASS OF ELECTORS that can be deemed independent; and every man should be EXCLUDED FROM VOTING, who has not the capacity to give an IMPARTIAL and independent suffrage."—*[Rufus King, a distinguished federalist in the New York State Convention.]*

"They [the foreign emigrants] are men whose WANTS, if not whose VICES, have sent them from other states and countries, to seek bread by SERVICE, if not by PLUNDER."—*Eliska Williams, a distinguished federalist in the New York Convention.*

"The man who feeds, clothes, and lodges another, HAS A REAL AND ABSOLUTE CONTROL OVER HIS WILL. Say what we may, the man who is dependent upon another for his subsistence [i. e. gives his labor for his wages,] is not an independent man, and he will vote in subservience to the dictation of his employer."—*Judge Spencer, repeated in the New York Convention.*

"KNAVERY, associated with knowledge, is a MORE FIT DEPOSITORY OF POWER THAN HONEST IGNORANCE."—*National Intelligencer*.

"One argument we hope the Pennsylvania Convention will take from the experience of New York—not unduly to enlarge the right of voting. By making that right universal in this State, the consequence, as a general rule, has been, the throwing of the whole political power of the State into the hands of those who have neither stake in the community, nor knowledge to distinguish between the claims and characters of opposing candidates."—*N. Y. American*, a whig paper.

"Bad as was the character of Aaron Burr, his election in preference to Mr. Jefferson would have been a blessing to the country."—*N. Y. Com. Adv.*

"The GREAT MASS OF THE PEOPLE are, and always must be, very incompetent judges of the qualifications necessary for the chief magistrate of a great nation."—*N. Webster*, a whig leader.

"It would seem therefore to be the part of wisdom, to found government on property."—*Daniel Webster*.

"Men who have an interest in the soil only are allowed to vote in Rhode Island. Our elective franchise is so free, so unchecked, so heedlessly ruinous, that Americans are not rulers of their own land. Rhode Island has shown us the value of checks and restraints on this right of voting." [New York Star, a whig paper.

"The representative should not be palsied by the will of his constituents."—*J. Q. Adams*.

"Neither prevention nor punishment is within our means—the self-governing people are not to be restrained by their own right impulses, and our system affords no substitute."—*N. Y. Amer.*

"We venture to assert, that a country cannot be well governed, without some more efficient agency of prevention than exists in ours."—*N. Y. American*.

"It is the dictate of benevolence and humanity to sell a poor man, at a sheriff's sale, into involuntary servitude, until he earns enough to pay the fine imposed by the court."—*Elisha Whittlesey*, whig Congressman from Trumbull, Ohio.

"It is useless to talk of the intelligence of the people, for the history of nations cannot present an example of such total want of intelligence as our country now affords."—"Sidney," (*Noah Webster*,) in *New York Commercial Advertiser* (whig.)

"It is a fundamental mistake, that the people may be governed, or will govern themselves, by REASON."—*A leading federalist in New York Commercial Advertiser*.

"If the appeals that may be made to the virtue, morality, and intelligence of the people, cannot prevail, MONEY CAN BE USED, and that will obtain votes and favor where all other arts and appliances are found abortive."—*Bicknell's Reporter*, a whig paper.

"From its nature, the influence of a bank will be allied to the aristocracy of wealth, and not to the democracy of numbers; and this is more especially the case with chartered banks, having great power. The late Bank of the United States was one of this description."—*London Bankers' Circular*.

"Upon this election depends the fate of the most influential and wealthy part of the community. It will probably decide whether those who have a tangible interest in the stability of government—in whose hands the whole capital of the country is concentrated—shall be reduced to the level of those who are possessed of nothing, or whether those possessed of nothing shall continue to control the destinies of this great nation."—*Circular of the New York whigs*.

"The fear of want will be best to overcome these (the poor man's) long-standing prejudices which have resulted in the present deranged state of those institutions, (the banks,) upon which are based the commercial interests of the country."—*Circular of the New York whigs*.

"As well might a BLACKSMITH attempt to mend a watch, as a FARMER to legislate. What mischiefs are sure to be enacted, when a man BORN TO NOTHING BUT THE PLOUGH tail, takes to LEGISLATING."—*Boston Courier*, (a whig paper.)

"FREE SUFFRAGE IS A CURSE TO ANY PEOPLE."—*Providence Journal*, (a whig paper.)

"Resolved, That for collecting and disbursing the public revenues, for facilitating and equalizing exchanges, and for furnishing a currency of uniform value, a NATIONAL BANK IS AND HAS BEEN (to the Government and to the people of the Union) A CONVENIENT, PROPER, AND NECESSARY INSTRUMENT; and, therefore,

"Resolved, That such an institution, with the safeguards and improvements in its organization which experience has suggested, OUGHT TO BE ESTABLISHED BY CONGRESS."—*Resolutions adopted by the late North Carolina Whig convention*.

MR. CLAY'S DEMOCRACY.

"If the gentlemen WILL NOT ALLOW US TO HAVE BLACK SLAVES, THEY MUST LET US HAVE WHITE ONES; FOR WE CANNOT CUT OUR FIREWOOD AND BLACK OUR SHOES, AND HAVE OUR WIVES AND DAUGHTERS WORK IN THE KITCHEN."—*Henry Clay's speech, February 15, 1819, on the Missouri question.*

MR. CLAY'S OPINION OF FARMERS.

"Agriculture needs no protection. The habits of farmers, generation after generation, pass down a long track of time, in perpetual succession, without the slightest change; and the ploughman who fastens his plough to the tail of his cattle, will not own there is any improvement equal to his."

OPINIONS OF MR. CLAY, EXPRESSED BY DISTINGUISHED MEN.

Jackson's opinion of Mr. Clay.

"Under such circumstances, *how contemptible* does this demagogue appear, when he descends from his high place in the Senate, and roams about the country retailing slanders upon the living and the dead."—*Andrew Jackson.*

Webster's opinion of Mr. Clay.

"Henry Clay has too many heresies about him ever to gain my support."—*Daniel Webster.*

Jefferson's opinion of Mr. Clay.

"Henry Clay is merely a splendid orator, without any valuable knowledge from experience or study, or ANY DETERMINED PUBLIC PRINCIPLES, founded in political science, either practical or theoretical."—*Jefferson.*

Randolph's opinion of Mr. Clay

"He is talented, but corrupt. He stinks and shines, and shines and stinks, like a rotten mackerel by moonlight."—*John Randolph.*

An honest Whig rebuking his party for lying about a national bank in 1840, and for misrepresentation and dishonesty in general.

Extract from a letter of the Hon. Willoughby Newton, of the House of Representatives, to the Committee of the late Whig Convention which assembled in Richmond, Va.

"On reviewing the events of the last four years, no impartial observer can fail to perceive that the disasters which have befallen the Whig party, and cast a blight over the prosperity of the country, have resulted, in a great measure, from the want of candor and fairness in avowing and maintaining our principles, especially in Virginia. We commenced the canvass of 1840 under most discouraging circumstances. The Whigs proper were in a small minority throughout the Union. A party had been formed out of the discordant elements then in opposition to the administration of Mr. Van Buren. Our eagerness for success induced us to extend our nets, so as to embrace birds of every feather. We not only asked no questions of those who offered themselves as allies for the war, but our own convention at Richmond actually repudiated the leading principles and measures of the Whig party. We thus entered the campaign—a discordant mass, some fighting for principle, and others for freedom, and animated by but one common principle—that of opposition to the administration of Mr. Van Buren. We had a long and arduous contest, and achieved what we supposed to be a glorious triumph. But what advantages have we reaped from our labors? The fruits of all our toils have turned to ashes on our lips; and we may truly exclaim with Pyrrhus, 'one more such victory, and we are undone.' The treachery of the present Executive, and of some of his prominent allies, derived countenance and support from the Whig address of 1840; and impartial history may find it difficult to determine whether the convention is most to be censured for its indiscretion in putting forth such an address, or those very scrupulous politicians for availing themselves of it, as a pretext for abandoning their party.

"We enter the canvass of 1844 under far different and higher auspices. In 1840, we were weak and discordant. We are now strong; and not only united in purpose, but in principle. We have been purged, by the fire of persecution, of the dross that dimmed our brightness; and the Whig party is now *pure metal*, seven times refined in the furnace.

"Let me adjure the convention not to repeat the errors of 1840, which have been the fruitful source of all our woes. Let them remember that 'honesty is the best policy,' both in public and private life. I think I know something of the Virginia character. Our people are liberal and ingenuous; they will tolerate an honest difference of opinion, sincerely entertained and candidly expressed; but they abhor even the appearance of dissimulation. Let the convention,

therefore, boldly avow the principles of the party—advocate a national bank *eo nomine*, and without circumlocution—a tariff with proper discrimination for the reasonable protection of our great domestic interests—and such other measures as they may deem essential to the purity of the Government, and the prosperity of the country.

“I particularize a national bank and a discriminating tariff, because I deem them the great measures to be carried out by the Whig administration, destined, I trust, soon to come into power;—measures which, in my deliberate judgment, are inseparably connected with the prosperity of the whole country, and especially of the southern States.”

A dishonest and disreputable party stealing honest and respectable names.

“Democratic Whig nomination for President, Henry Clay.”

“Democratic Whig Young Men’s Convention.”—*All the Federal-Whig papers.*

Thomas Jefferson’s opinion of Federalism, alias modern Whiggery, in all its phases.

“THE HARTFORD CONVENTION, THE VICTORY OF ORLEANS, THE PEACE OF GHENT, PROSTRATED THE NAME OF FEDERALISM. ITS VOTARIES ABANDONED IT THROUGH SHAME AND MORTIFICATION; AND NOW CALL THEMSELVES REPUBLICANS. BUT THE NAME ALONE IS CHANGED, THE PRINCIPLES ARE THE SAME.”

PUBLISHED BY ORDER OF A COMMITTEE OF THE DEMOCRATIC MEMBERS OF CONGRESS.

[50 Cents per Hundred.]

BANK OR NO BANK.

ONE of the distinct issues submitted to the People of the United States in the approaching Presidential election is, whether or not a National Bank shall be established. This, all will agree, is a question of momentous importance, and upon the decision of which may depend the permanency of our free institutions. It is one which has attracted the attention of the American people from the organization of the government, and upon which great differences of opinion have existed. In order to a correct understanding of this subject, we propose adverting, briefly, to its connexion with the organization of parties in this country.

It is well known that in the convention which framed the Federal Constitution, there was a strong and powerful party, at the head of which stood Alexander Hamilton, who feared the permanency of institutions established upon the popular will, and who desired to see the power of the government placed as far as possible beyond the reach of the people. They believed there could be no stability in a government where the sovereignty was left in the hands of the people. The objects and views of this party will be understood by the following quotations from the proceedings of the convention. To them we invoke the calm consideration of our countrymen, because they will explain the sentiments of those who subsequently proposed and advocated a national bank. On the 19th June, 1787, Mr. Hamilton said:

"My situation is disagreeable; but it would be criminal not to come forward on a question of such magnitude. I have well considered the subject, and am convinced that no amendment of the confederation can answer the purpose of a good government so long as State sovereignties do in any shape exist."

Again, on the same occasion, he declares:

"I believe the British government forms the best model the world ever produced, and such has been its progress in the minds of many, that this truth gradually gains ground. This government has for its object public strength and individual security. It is said with us to be unattainable. If it was once formed, it would maintain itself. All communities divide themselves into the few and many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct permanent share in the government. They will check the unsteadiness of the second; and as they cannot receive any advantage by a change, they therefore will ever maintain a good government. Can a democratic assembly, who annually resolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires check. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted that you cannot have a good executive upon a democratic plan. See the excellence of the British executive. He is placed above temptation. He can have no distinct interest from the public welfare. Nothing short of such an executive can be efficient."

"Let one body of the legislature be constituted during good behavior or life.

"Let one executive be appointed who dares execute his powers.

"It may be asked, Is this a republican system? It is strictly so, as long as they remain elective.

"And let me observe, that an executive is less dangerous to the liberties of the people when in office during life than for seven years."

"In all general questions which become the subjects of discussion, there are always some truths mixed with falsehoods. I confess there is danger when man is capable of holding two offices. Take mankind in general, they are vicious—their passions may be operated upon."

The Federalists failed in their efforts to make this a consolidated government, and to infuse the monarchical spirit into its Constitution. They failed in breaking down the sovereignty and independence of the States, and having a President elected for life, and a Senate during good behavior. Alexander Hamilton was appointed first Secretary of the Treasury; and he then attempted, by a system of measures which he proposed for adoption, to effect, by indirection, what he had failed to accomplish in the convention. Amongst other schemes calculated to strengthen

the Federal at the expense of the State governments, and hold in check what he denominated the "wild and turbulent spirit of democracy," he proposed the establishment of a national bank—an institution which, like the Bank of England, should be a great "political machine," managing the finances, and controlling the monetary affairs of the republic. He was the recognized leader of the Federal party of that day. At the head of the Democratic party, who, believing in the capacity of man for self-government, desired to see the Federal government confined to the powers delegated by the Constitution, stood Thomas Jefferson, then Secretary of State. Himself the author of that imperishable document which declared an eternal separation of these States from Great Britain, he was unwilling that an aristocracy, founded on concentrated wealth, should be established here similar to that which existed in England. He believed that the people were the best depositaries of power, and that the safety of our republican institutions depended upon leaving the States and the people in the possession of all power not absolutely necessary to the existence of the Federal government. It was, therefore, when he was called on for his official opinion on this subject, that he denied the power of Congress to establish a bank. The following extract from his opinion, submitted to the President in 1791, will show his views:

"The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States by the Constitution."

"It is known that the very power proposed as a means, was rejected as an end, by the convention which formed the Constitution. A proposition was made to them to authorize Congress to open canals, and an amendatory one to empower them to incorporate. But the whole was rejected; and one of the reasons of rejection urged in debate was, that they then would have the power to create a bank, which would render the great cities, where there were prejudices and jealousies on that subject, adverse to the reception of the Constitution."

The best way to solve doubts which may arise in the construction of an instrument is, to look at the object and views of the makers of it. If this rule be adopted, it does seem to us that there can be no question as to the intention of the framers of the Federal Constitution. In the "Madison Papers," pages 1576 and 1577, we find that the convention voted down a proposition to give Congress the power to incorporate. When the proposition was pending, Mr. King (a member of the convention) said:

"The States will be prejudiced and divided into parties by it. In Philadelphia and New York, it will be referred to the establishment of a bank, which has been a subject of contention in those cities. In other places, it will be referred to mercantile monopolies."

Three States voted for the amendment, and eight against it; and, of course, it was lost. Mr. Madison, who has been called "the father of the constitution," in the debates which took place in the first Congress on the bill sent in by Mr. Hamilton, used the following strong and emphatic language:

"In making these remarks on the merits of the bill, he had reserved to himself the right to deny the authority of Congress to pass it. He had entertained this opinion from the date of the Constitution. His impression might perhaps be the stronger because he well recollected that a power to grant charters of incorporation had been proposed in the general convention, and rejected."

"It appeared, on the whole, that the power exercised by the bill was condemned by the silence of the Constitution, was condemned by the rule of interpretation arising out of the Constitution, was condemned by its tendency to destroy the main characteristic of the Constitution, was condemned by the expositions of the framers of the Constitution whilst depending before the public, was condemned by the apparent intention of the parties which ratified the Constitution, was condemned by the explanatory amendments proposed by Congress themselves to the Constitution; and he hoped it would receive its final condemnation by the vote of this House."—*Extract from the speech of James Madison. Debates in Congress, 4th vol., for the years 1790 and 1791.*

Notwithstanding this, it is now claimed that Congress has the power, by implication, to do what the convention expressly denied them.

The bank was chartered; and, in 1811 it expired. In that year, while an application for its renewal was pending, Mr. Clay (now the Whig candidate for the presidency) was its prominent opponent. No man displayed more ability or eloquence in depicting the dangers of such an institution than Mr. Clay. On the 2d of March, 1811, this distinguished statesman made a report to Congress, in which, amongst other things, he said:

"That holding the opinion (as a majority of the committee do) that the Constitution did not authorize Congress originally to grant the charter, it follows, as a necessary consequence of

that opinion, that an extension of it, even under the restrictions contemplated by the stockholders, is equally repugnant to the Constitution."

In the debate which took place on the floor of Congress he bore a conspicuous part. He fully met and refuted all the arguments which his friends now advance in favor of that institution. In order that we may not be charged with doing him injustice, we quote a few extracts from his unanswerable speech of that day:

"This vagrant power to erect a bank, after having wandered throughout the whole Constitution in quest of some congenial spot to fasten upon, has been, at length, located by the gentleman from Georgia in that provision which authorizes Congress to lay and collect taxes. In 1791 the power is referred to one part of the instrument, in 1811 to another; sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money. What is the nature of this Government? It is emphatically Federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. *The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication.* It is one of the most exalted acts of sovereignty. In the exercise of this gigantic power we have seen an East India Company erected, which has carried dismay, desolation and death throughout one of the largest portions of the habitable world. A company which is itself a sovereignty; which has subverted empires and set up new dynasties; and has not only made war, but war against its legitimate sovereign. Under the influence of this power we have seen a South Sea Company and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence and universal bankruptcy. *Is it to be imagined that a power so vast would have been left by the wisdom of the Constitution to doubtful inference?*"

His powerful argument made an effect on the public mind which no effort of his now can remove. He may have shifted his position for the accomplishment of his selfish purposes, but the great truths which he then proclaimed remain unchanged. To gratify his personal ambition he may have found it convenient to form an alliance with the bank aristocracy, and become their friend and advocate; but the Constitution remains unaltered. That which was unconstitutional yesterday is equally so to-day.

Now, after the lapse of more than thirty years, we find the same Henry Clay, who had so often denied the power of Congress to create a bank, the open and avowed advocate of such an institution! What a change has come over the spirit of his dream! Having been the hired lawyer, the feed attorney of the old bank for a number of years, and thus acquired a knowledge of the immense political power wielded by that institution, he sought by an alliance with it to reach the goal of his ambition—the Presidency; for the attainment of which he has labored twenty years, and spent many watchful days and sleepless nights. To obtain political power he abandons his long cherished principles, enacts the demagogue, and throws himself into the political arena as the bank candidate.

Vice President Clinton, in giving the casting vote in the Senate against the recharter in 1811, used the following democratic expressions:

"In the course of a long life, I have found that government is not to be strengthened by the *assumption of doubtful powers*; but a wise and energetic execution of those which are *incontestable*. The former never fails to produce suspicion and distrust, while the latter inspires respect and confidence. If, however, on fair experience, the powers vested in the Government shall be found incompetent to the attainment of the objects for which it was instituted, the Constitution *happily furnishes the means for remedying the evil, by amendment.*"

If a national bank be necessary (which by no means is admitted) to carry on the fiscal operations of the Government, let the Constitution be amended; but until then, we trust any man who has any regard for that instrument, which binds us together as one people, will be found opposed to it.

Our Whig friends sometimes claim that they are the real "Jeffersonian Democrats!" If so, how comes it they have not "the wedding garments" on them? How is it that they are found arrayed against the principles advocated by that great apostle of American democracy during his long and useful life? Has any one the hardihood, the unblushing impudence, to assert that Mr. Jefferson, at any period of his life, favored a national bank? To remove all doubt, if there be any, we will again refer to his writings:

"From a passage in the letter of the President (of the bank) I observe an idea of establishing a branch bank of the United States in New Orleans. **THIS INSTITUTION IS ONE OF THE MOST DEADLY HOSTILITY EXISTING AGAINST THE PRINCIPLES AND FORMS OF OUR CONSTITUTION.** * * * Ought we, then, to give further growth to an institution so powerful, so hostile? * * * Now, while we are strong, it is the greatest

duty we owe to the safety of our Constitution to bring this powerful enemy to a perfect subordination under its authority."—*Jefferson's Works*, page 12, vol. 4. *Letter from Mr. Jefferson to Mr. Gallatin.*

Having thus shown the sentiments of the most profound philosopher and enlightened statesman this country has produced, let us proceed to inquire into the truth of the declaration, that a bank is necessary to the prosperity of the country.

In 1816 the bank was rechartered, and went immediately into operation. What was the condition of this country in 1819, 1820, 1821, 1822, 1823, 1824, and 1825? The bank had its branches all over the country: and did it give prosperity and happiness to the people? That man is foolish indeed who refuses to profit by the lessons of the past. If experience has proved that such an institution has not given prosperity to the country, how can it be assumed that the creation of one now would do so?

The following extracts from "Niles's Register" will show the state of affairs which existed in the palmy days of the old bank:

"From all parts of our country we hear of a severe pressure on men in business, a general stagnation of trade, a large reduction in the price of staple articles. Real property is rapidly depreciating in its nominal value, and its rents or profits are exceedingly diminishing. Many highly respectable traders have become bankrupts; and it is agreed that many others must 'go.' The banks are refusing their customary accommodations; confidence among merchants is shaken, and three per cent. per month is offered for the discount of promissory notes, which a little while ago were considered as good as 'old gold,' and whose makers have not since suffered any losses, to render their notes less valuable than heretofore."—*Niles's Register*, 1819.

Four months afterwards, he says:

"It is estimated that there are twenty thousand persons daily seeking work in Philadelphia; in New York, ten thousand able-bodied men are said to be wandering about the streets looking for it; and if we add to them the women who desire something to do, the amount cannot be less than twenty thousand; in Baltimore, there may be about ten thousand persons in unsteady employment, or actually suffering because they cannot get into business. We know several decent men, lately 'good livers,' who now subsist on such victuals as, two years ago, they would not have given their servants in the kitchen.

"Bankruptcies for large amounts were of frequent occurrence. Mention is made, among others, of the bankruptcy of a merchant tailor in the little town of York, Pennsylvania, who failed for the sum of eighty-four thousand dollars.

"This was, indeed, an important affair in a town containing but three or four thousand inhabitants; but it sunk into insignificance when compared with some of the failures in the large cities. So extensive were these among the merchants of the cities east of Baltimore, that it seemed to be disreputable to stop payment for less than one hundred thousand dollars; the fashionable amount was from two hundred thousand to three hundred thousand dollars; and the tip-top quality, the support of whose families had cost them from \$8,000 to \$12,000 a year, were honored with an amount of debt exceeding \$500,000, and nearly as much as a million of dollars; the prodigality and waste of some of them were almost beyond belief; we have heard that the furniture of a single parlor, possessed by (we cannot say belonging to) one of them, cost \$40,000. So it was in all the great cities,—dash—dash—dash; venders of tapes and bobbins transformed into persons of high blood; and the sons of respectable citizens converted into knaves of rank—through speculation and the facilities of the abominable paper system."

"Distress in 1820, September 2:

"It is said (but we know not how to believe it) that corn is selling at ten, and wheat at twenty cents per bushel, specie, in some parts of Kentucky. At this rate how are debts to be paid?"

September 15:

"A gentleman in Western Virginia directs the Register to be stopped, because he used to pay for it annually with one barrel of flour, but that three will not do it now. Another writer in Ohio, on paying his advance to my agent, observed, that he had sold four barrels of flour to obtain the note of five dollars which was remitted."

In other publications we have evidence of the lowness of prices. For example, in the United States Gazette, of May 23, 1821, corn is said to have been sold in Cincinnati at ten cents a bushel; and the same periodical, of the 1st of June, has a notice of a letter from a practical farmer in Harrison county, Ohio, stating that wheat had fallen to twenty-five cents a bushel, and in some instances to twelve and a half cents. A letter from Greenfield, Ohio, dated May 3, 1821, and quoted in the Gazette of June 23, states that wheat was sold at twelve and a half cents per bushel; and that whiskey was dull at fifteen cents a gallon.

The Weekly Register, of May 19, gives the following quotation from "a late Pittsburg Mercury": "Flour, one dollar a barrel; whiskey, fifteen cents a gallon; good merchantable pine

boards twenty cents a hundred feet; sheep and calves one dollar a head. Foreign goods at the old prices. One bushel and a half of wheat will buy a pound of coffee; a barrel of flour will buy a pound of tea; twelve and a half barrels will buy one yard of superfine broadcloth."

Turn again to the speech of Mr. Clay, delivered in the House of Representatives on the 30th March, 1824, if you desire more evidence of the condition of the country under the operation of a national bank. If prosperity can be produced by such an institution, why the distress and ruin of *seven years' duration*? Why is it that from 1819 to 1825 the country suffered more embarrassment than at any subsequent period when the national bank existed? But to the extract:

"In casting our eyes around us, the most prominent circumstance which fixes our attention and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts, of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthrashed crops of grain, perishing in our barns and barn-yards for the want of a market; by the *alarming* diminution of the *circulating medium*; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuits after public situations, not for the sake of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of *paper money*; by intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about *fifty per cent. within a few years.*"—Henry Clay's speech in favor of the tariff, in the House of Representatives, on the 3d March, 1824.

Here is a picture of distress and ruin unprecedented in the history of the republic—a picture which completely annihilates the Whig argument in favor of a bank. So far from relieving the country, it is confidently believed that it contributed largely towards producing the bankruptcy and ruin which then stared them in the face. As to the manner in which it was conducted, we make another extract from "Niles's Register:"

"Never did an institution exist that more completely blasted the public expectation than this bank has done. Its policy, though founded on opposite extremes, has been equally mischievous or malevolent. The original purpose of its framers was to get money—the object of its present managers is to acquire *power*. The former was a desperate set of speculators—the other is a conclave of tyrants. Gold was the god that the first worshipped—the second gives up all to *ambition*. "Cæsar or nothing," is the device inscribed on the entrance of their Council Chamber."—Niles's Register, 16th vol., 21st August, 1819.

But we are sometimes told that, with a national bank, the farmer will be enabled to procure a higher price for the products of his labor. Let us see how much truth there is in this.

The average price of wheat in Philadelphia, from 1820 to 1834 inclusive (being fifteen years of the bank) was *forty-seven cents* per bushel. The average price from 1834 to 1840 inclusive, (six years,) was *ninety cents* per bushel.

The average price of corn from 1828 to 1837, was 54 cents per bushel in Philadelphia—from 1837 to 1840 inclusive, (four years, whilst there was no national bank,) the average price was 82 cents per bushel.

Flour from 1828 to 1837, averaged \$4 60 per barrel—from 1837 to 1840, it was \$5 70 per barrel.

Beef, (salted,) from 1828 to 1837, averaged \$10 37½ per barrel of 200 pounds—from 1837 to 1840, it averaged \$15 20 per barrel. Pork, (salted,) from 1828 to 1831, was \$8 56 per barrel (clear) of 200 pounds on an average—from 1837 to 1840, \$10 93 per barrel.

Cotton.—The average price of cotton from 1827 to 1833 (seven years,) was *ten cents* per pound—from 1834 to 1840 inclusive, (seven years,) the average was *thirteen and a half cents* per pound.

Tobacco.—The average price from 1823 to 1833, was \$61 per hogshead—from 1834 to 1840, the average was \$82 per hogshead.

These facts, derived from the most authentic sources, fully meet the argument to which we have alluded.

In 1832, application was again made for a renewal of its charter. A bill was passed by both branches of Congress, and vetoed by General Jackson, then President. The charter had yet four years to run, but it was supposed that the bank had obtained so strong a hold upon the various interests of the country, that the President, whose re-election was near at hand, could be coerced to sign it, or suffer a defeat. The power of that institution was known and felt in the politics of the country, and it was confidently believed that a free and liberal use of its money upon the public press and active politicians, would secure the overthrow of any man whom it

chose to denounce. It required Roman firmness and courage to meet such a crisis, and contend with an institution so powerful. General Jackson was the man for the occasion. Regardless of the power of this overgrown monopoly, with an eye single to the welfare and prosperity of that country for which he had periled his life on the battle-field, he boldly vetoed it, and hurled defiance in its teeth. To his countrymen, who had sustained him in all his trials, he appealed for a verdict on his conduct. In this veto, necessary to save the Constitution from invasion, and protect the people from the rapacity of a moneyed aristocracy, it has been said he violated the popular will. It is assumed that the members of Congress who passed it, truly reflected public opinion on this subject. An examination of the report made to the Senate in 1834, by Mr. Tyler, the present Chief Magistrate, may enable us to understand how the bill was passed.

This report shows, that in 1830, the bank loaned 52 members of Congress the sum of \$192,161; in 1831, to 59 members of Congress, \$322,199; in 1832, (the year the bank was an applicant for a renewal of its charter,) it loaned to 44 members of Congress the large sum of \$478,069; the year following, (1833,) whilst still struggling to sustain itself, its loans to members of Congress (58 in number) amounted to \$374,766; and in the next year, (1834,) fifty-two members were indebted to it in the sum of \$238,586. These facts will aid us in understanding how bank charters pass Congress. In your courts of justice, you exclude a man from sitting on a jury when he has any interest, however small, in the result of the trial. Here you have *forty-four* members of Congress, indebted to the bank in the gross amount of \$478,069, gravely deciding the question whether the public interest demanded a re-charter! An extension of its charter would secure an extension of their notes, or new facilities, and they could not doubt that the public welfare demanded a renewal!! What disinterested patriots these *forty-four* bank debtors were!! Divide the whole amount of their indebtedness equally among them, and you find that each has more than a *hundred and eight thousand dollars!* Quite enough, one would suppose, to stir up the *patriotism* and *zeal* of these enlightened statesmen!

That the old bank was used as a political machine, no one at this day can doubt. Its efforts to defeat the re-election of General Jackson are well known to the country. In addition to the corruption of members of Congress, this report shows the vast sums paid for printing and circulating the infamous slanders of their hired orators against General Jackson. In 1832, when the bank was struggling for a re-charter, it expended \$18,490 in the printing of Whig speeches, calumniating General Jackson and his friends. Let it be remembered, too, that of this amount *sixteen thousand four hundred and ninety-nine dollars* were expended during the *six months* immediately preceding the election which resulted in the triumph of General Jackson! More than *half a million of speeches*, as the report shows, were circulated! In 1834, the bank expended for printing the speeches of their hired advocates in Congress the sum of *twenty-six thousand two hundred and eighty-four dollars.*

The report before us also shows the efforts made by the bank to produce panic and distress throughout the country, and thus secure the overthrow of the democratic administration. It appears that the nine bank directors, seated in their palaces at Philadelphia, gave orders for a curtailment of discounts, with a view to effect a general depreciation of property, and carry ruin and bankruptcy to every section of the country. It was supposed that the confidence which the people had always reposed in General Jackson, could be destroyed by an attack upon the pockets of the people. Hence it was that within *four months* (commencing in October, 1833,) the bank reduced its loans and discounts nearly *ten millions of dollars!* The ruinous effect produced by this unprecedented reduction is well known. The corps of bank debtors in Congress seized upon the embarrassment and general alarm, and declared that if the bank was not re-chartered, "our canals would be a solitude, our lakes a desert waste of waters." These *forty-four* members of Congress, who had discounted their commissions, taking advantage of the sudden reduction of discounts, and the consequent depreciation of labor and property, inflamed the public mind by the most artful appeals to the worst passions of the human heart; day after day did that pensioned corps stand upon the floor of Congress and denounce General Jackson as a bold usurper, a tyrant, and a despot; day after day did the federal presses team with the most infamous attacks on the democracy; but the American people, although writhing under the lash inflicted by the bank, still loved their liberties too well to surrender them into the hands of a reckless and unprincipled faction.

The contest of 1832 was one of the fiercest battles ever fought in our country. The bank was openly in the field, with its numerous branches scattered over the country, its hired speakers and pensioned presses. The canvass was a fearful one, and many doubted whether the popularity of the old chief would be found strong enough to sustain him against such influences, and carry him safely through. But the people gallantly came to the rescue, and triumphantly re-elected him.

In 1836, by the election of Mr. Van Buren, who stood pledged against a bank, the people again declared that such an institution should not be chartered.

In 1840, General Harrison was elected President, and John Tyler Vice President. This election has since been claimed as a decision in favor of a bank. What are the facts? So strong

was the opposition of the people to a bank, that in many sections General Harrison was run as the uncompromising enemy of such an institution.

In North Carolina, where the bank was unpopular, Mr. Badger (General Harrison's Secretary of the Navy) made an address, which was printed by the Whig Central Committee, and extensively circulated, in which he uses the following language:

"Next, it is said that General Harrison favors a bank of the United States. THE CHARGE IS FALSE. His opinions, on the contrary, are against a bank. He has declared it an institution which, as President, he would not recommend."

In addition to this, we refer to the following letter, written by Thomas Ewing, of Ohio, (General Harrison's Secretary of the Treasury,) under date of July 18, 1840:

"MY DEAR SIR: On my return from Columbus this evening, I received your letter, informing me that it was asserted, at a public meeting at Washington county, that in a speech at Philadelphia, I had said that the true question between the parties was a Bank of the United States; and that you, from a knowledge of the real question and of me, had contradicted the assertion. In this, of course, you were perfectly safe. I made no such statement, but the VERY CONTRARY," &c.

We also refer to the fact, that the Whig Central Committee of Virginia announced, in a formal address, that General Harrison was the uncompromising enemy of a national bank, and as such was supported by that party in Virginia.

The candidate for the Vice Presidency had all his life been opposed to a national bank, and this fact was well known to those who nominated him. In a speech delivered by Mr. Tyler in the Senate in 1819, on the subject of the bank, he used the following language:

"Inasmuch as I believe the creation of this corporation to be unconstitutional, I cannot, without a violation of my oath, hesitate to repair this breach, thus made in the Constitution, whenever an opportunity presents itself of doing so without a violation of the public faith; believing, also, that it is expedient to put it down."

With such principles, and under these circumstances, they were elected. General Harrison died, and John Tyler became the acting President. An extra session of Congress had convened, and he whom the Whigs delight to call the "dictator," (Mr. Clay,) proposed the establishment of a national bank, assuming that the Presidential election, which had just taken place, was a decision in favor of it! A bill was accordingly passed in hot haste, by both branches of Congress, and John Tyler, in accordance with the principles avowed by his party in 1840, and in conformity with those sentiments which he had sustained on all occasions, denied its constitutionality, and placed his veto upon it. We need not say that for this act, rendered necessary in order to sustain that instrument which he had solemnly sworn to support, he was denounced by his quondam friends and admirers as a base and infamous traitor—a traitor, not to his former principles, not to the Constitution, not to the liberties of the people, but a traitor to the universal Whig party, and the great "dictator" Henry Clay. This high-handed outrage upon the Constitution aroused the attention of the American people, and at the next session of Congress we find a democratic majority of sixty-five or seventy in the popular branch.

We might follow the Bank of the United States, after it became a State institution, and show the infamous frauds practised upon the community in which it was located. We could show that hundreds of widows and orphans have been stripped of their all, and thrown from a state of affluence and ease to the lowest depths of poverty and want. But its history is known to the country. Its explosion, and the ruinous consequences attending it, are familiar to the American people. Let the advocates of such an institution survey the wide scene of desolation produced by the falling of that stupendous paper machine. Let them contemplate the ruin and distress it inflicted upon all who trusted in its plighted faith, and then tell us that a national bank is useful to the country. Let it not be said that, whilst the putrid carcass of the corrupt monster is laid at our feet, contaminating the very atmosphere in which it breathed its last, we are attempting to speak another into existence.

Mr. Clay, the former attorney and hired advocate of the old bank whilst steeped in corruption, now stands before the people; and, as a friend to such an institution, demands your suffrages for the highest office within your gift. The issue is now fairly made between Mr. Clay and the democratic candidate, James K. Polk. The latter stands pledged to the world against a bank. It is for the American people at the ballot-box to decide whether they will stand with Mr. Clay upon the principles and measures of Alexander Hamilton, the former leader of the Federal party; or whether they will be found sustaining the doctrines of the great apostle of democracy, Mr. Jefferson, and rallying under the flag of James K. Polk. The great question upon which Hamilton and Jefferson divided at the outset of the government is now to be settled. Clay stands upon the one side, Polk upon the other—choose ye between them.

We confidently believe that the people will return a triumphant majority in favor of the principles of Mr. Jefferson. The people are wedded to democratic institutions, and will not suffer a

moneyed aristocracy to be established here. They have not forgotten that their liberties were not obtained for a song, or a tale that is soon told, but that they were the hard-earned, the dear-bought fruits of the blood and patriotism of our fathers. We are under a solemn obligation to transmit these democratic institutions, pure and unsullied, to our posterity. Let us, then, indignantly frown down every effort to establish an institution calculated to make the mass of our countrymen the serfs and slaves, the hewers of wood and drawers of water, to a haughty, purse-proud and insolent aristocracy. Let every freeman who values his liberties go to the polls and vote for James K. Polk, the enemy of a National Bank—the supporter of equal rights—the friend of a strict construction of the Constitution—the advocate of protection to all, exclusive privileges to none.

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OF CONGRESS.

[50 Cents per Hundred.]

Sam Myers

SPEECH.

Mr. WOODBURY addressed the Senate as follows:

Mr. PRESIDENT: I entertain views friendly to most of these resolutions. My object in rising is chiefly to try to contribute something in favor of those which relate to retrenchment. They are the last six; and if, in supporting the great measures involved in them, it shall be my misfortune to differ from some of the views expressed in the other resolutions, I shall do it not with a censorious spirit, but only with a design to have all the facts and principles material to our decision, exhibited in a form as accurate as possible.

I am in earnest, sir, on this subject. It is to be hoped we are all so. The time for action has come. We are bound to rise above party. The country itself is in jeopardy. As I feared some months ago, we are threatened again from the Treasury Department with new acts of bankruptcy. The cry is already upon us for larger loans. We must then retrench in fact, and not merely talk—must deal in particulars and amounts, however irksome, and not in loose generalities; and we must begin this forthwith, or financial ruin will be the inevitable consequence.

To aid us in this ungracious task, it is to be regretted that the Executive and the different Departments did not, at the commencement of the present session, looking to the embarrassed condition of the finances, submit projects for reduction. Not only the times imperatively demanded this, but the fulfillment of public and repeated pledges. It is further to be regretted that the last of these resolutions, now calling on them to present such plans, had not been introduced earlier, or is not to be acted on first by us, and the answers obtained, before we decide under the third resolution what the aggregate of all our expenses ought to be, and whether it be necessary to violate our repeated compromises as to the tariff, in order to discharge them.—Much more is it to be regretted, that the Senate itself, with all the means and light it may have, should not be asked to dispose first of the four last resolutions pertaining to reductions in the civil, diplomatic, legislative and other branches, and fix the amounts of reduction in each, before we are required to vote on the second and third, which are but consequences of the others. Why, also,

should we not first have reports from our own committee on retrenchment?

It may be, sir, because action has been delayed too long for further delay; or because you cannot place confidence in a cordial co-operation in retrenchment by the Executive Departments. I can appreciate these, and perhaps some other considerations, which may have influenced the mover of the resolutions to press their final decision on us now, though it be in so unprepared a condition, and in an order so unnatural.

I therefore proceed to examine, separately, the first resolution. That declares it to be

"The duty of the General Government for conducting its administration, to provide an adequate revenue within the year to meet the current expenses of the year; and that any expedient, either by loan or by Treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences."

In the principle of this resolution, as well as in the last six, concerning retrenchment, it gives me great pleasure cordially to concur. Nor did the late Administration, as the mover seems to suppose, hold any different doctrine; nor did the Executive portion of it practise on any different one.

In order to correct his mistake, in this respect, I ask permission to read a single passage, among several, from one of the annual reports of the Treasury Department.

In that, made December, 1839, it is said:

"But unpleasant as is the task of reduction," it is "better to do this, so far as the public exigencies may require and justice sanction, than to expose the Treasury to bankruptcy, by continuing to make appropriations beyond the certain means provided for the payment of them, or to resort, in a period of peace, to the spendthrift and suicidal policy of effecting permanent loans to defray ordinary expenditures."

Congress was also urged, among other things, rather than appropriate beyond the certain means, "at once to resort to the contingent power contemplated in the existing laws concerning the tariff, where changes became necessary, for purposes of revenue, and restore the duty on several articles of luxury now free."

Was there any practice in the past Administration different from this? Never, sir, at the other end of Pennsylvania avenue, whatever there may have been at this. And when, at the last extra session, I reminded that Senator of this same distinction, and it was received with something like distrust, if not ridicule, little did he or I dream, that in less than six brief months, he would be

heard, as a few days ago in this chamber, taking the same distinction now, and urging it on our approval. Yes, sir, the Executive, under the last Administration, not only recommended economy generally, but presented annual estimates to Congress for such amounts only as could, with the existing means, have all been paid, and every Treasury note redeemed within the year. Had Congress not increased the appropriation largely beyond those estimates.

The proof of this is before me on the official records. The earliest Treasury notes were issued in October, 1837. On the first of January, 1838, the whole amount outstanding was only two millions and nine-tenths. Congress in that year appropriated thirteen millions more than the annual estimates. Would they not all have been redeemed in 1838 had not Congress done this? Yes, sir, and a large balance of money left on hand. How was it on the first of January, 1839? By those largely increased appropriations, the amount of Treasury notes, instead of being extinguished, had been increased, though not to ten, fifteen, or twenty millions, as many have supposed, but merely to seven millions and three-tenths. Every one of these, too, presented before the year ended, could have been paid without new issues, had not Congress again increased the appropriations to about two millions beyond the annual estimates; because, notwithstanding that increase, the amount of Treasury notes was reduced and paid off so that only two millions and a fraction were outstanding on the 1st of January, 1840. Yet some have supposed it was ten times this amount! In that year these also would have all been extinguished, had not Congress once more swollen the appropriations near three millions above the estimates, and neglected to correct the laws as to drawbacks and judicial decisions on the tariff, so as to deprive the Department in a few years of some millions of revenue.

But, under all these discouragements, the whole amount of Treasury notes left on the 1st of January, 1841, out of all which had been issued from the beginning, in 1837, was but four millions and six-tenths. This, you will perceive, was an aggregate, less in amount by thirteen millions than the additional appropriations made by Congress during that period. Hence, but for those additions, all the demands of the year, and all the notes out, would have been paid within each year, as this first resolution approves and as I approved then as well as now, and then earnestly attempted. Beside this, a balance would also have been left, large enough to have placed the fourth instalment with the States of about nine millions, and keep four millions surplus in the Treasury to meet those small additions to the annual estimates sent at times to Congress by some of the Departments during the session. These in prudent periods seldom exceed in amount what Congress choose to reduce from the annual estimates. But if in those years, they exceeded it four millions, they could all have been met, all the other expenses met, the fourth instalment met, and every Treasury note out redeemed, had the powers at this end of the avenue fully conformed to the policy and wishes of the

powers at the other end, as developed in the annual reports on the finances.

Nor do I bring this as a reproach on Congress, if its members deemed the additional appropriations necessary and proper. In such a view it was their duty to make them, and in any view it was their right. Political opponents as well as friends voted for most of them, and in cases of a doubtful character, more of the former than of the latter, it is believed, supported them. But again and again it was urged on all by the Treasury Department, that if the appropriations should be increased much beyond the annual estimates, Congress as inculcated in the first resolution, ought to provide ample means, without loans in time of peace, to defray all the expense.

Considering these facts, and looking to our resources then existing from lands, customs and indebted banks, ample, without new taxes, till 1841 or 1842, it would have been oppressive and wanton, instead of a duty, in the past Administration, to have asked Congress for higher taxes to meet the engagements which it recommended, and for which it had, as it then believed, and as events have since verified, abundant means to pay every dollar without prematurely imposing on the people additional burdens. All the increase of Treasury notes before it left power on the 4th of March, was only about a million more, and all the debt then existing by means of them was by the official report of the present Secretary of the Treasury, made to us at this session—only about five millions and a half, deducting such as had been actually paid in but not entered on the books. (See Doc. No. 41.)

Thus dwindles down the forty million debt, on which such countless tirades were heard before the late Presidential election, to the admitted, recorded, official confession of our opponents now, that it was only from five to six millions.

Thus is it also manifest that in conformity with the principles of the first resolution, if Congress had restricted the appropriations to the amount called for in the annual estimates, and had, as desired, corrected erroneous drawbacks and judicial reductions of the duties, not only every dollar of expenditure during Mr. Van Buren's term, would have been met within the year by its own means, and the whole of the fourth instalment gradually deposited with the States, but not a single Treasury note, nor a dollar of new debt of any kind would have been left outstanding when he retired to private life.

The remaining resolutions present these important considerations: What ought to be the aggregate amount of our expenditures in this and a few ensuing years? what are the means to defray them under the existing laws? and whether there is a deficiency in those means so as to require the duties to be raised higher than twenty per cent.? Connected with these is another proposition, that the distribution act ought not to be repealed, even if the duties be increased above twenty per cent.

Now, sir, the only legitimate object of us all in these inquiries must be to ascertain what is true in fact and useful in principle. Any suggestions or reasons submitted to aid the examination, which are pertinent, must therefore be acceptable in this search for light and truth.

In the outset, then, allow me to state that, after careful inquiry on these points, my conclusions are, that the expenditure of twenty-six millions yearly, as proposed in the third resolution, is too high, and can, by proper retrenchment, be lessened this year to near twenty-two millions, including contingencies and debt, or about nineteen millions without them, and the next year to only seventeen millions. That in order to obtain the amount of revenue to meet this expense, it is not necessary, as proposed in the second resolution, to raise the tariff above twenty per cent. provided the imports shall be as great as the mover himself has estimated them, after making the corrections in his data which are obviously required. That, in such an event, the distribution act ought to be repealed, as well as when the duties go above twenty per cent. and that no tax need then be imposed on coffee or tea, unless Congress believe the expenses of all kinds must be higher, or the revenue lower, than twenty-two and a half millions.

In the present imperfect state of information, as to the retrenchments which the Departments or the Senate think can properly be made, it will be necessary to form our opinions on other data. Let us, then, see what the expenses have been in various periods preceding the present—and use their amounts and character as grounds, among others, in deciding whether twenty-two and a half millions are at this time low enough, or too low; for our annual expenditure. In Mr. Adams's administration, independent of any debt, or issue and reissue of Treasury notes, the whole expenses were, on an average, about thirteen millions. Even this was higher than what the increase of population from some earlier periods justified. Going next to General Jackson's first term, whose extravagance, as well as Mr. Van Buren's, has at times been a topic of much party censure, and how many millions do you suppose was his increase, on an average, over Mr. Adams? Only one million of dollars. But soon after Gen. Jackson's second term, the United States Bank expansions began—the mania of speculation began—the unprecedented augmentation in revenue, consequent from them, began—and Congress, under such impulses, ran up the appropriations so high, as to compel an expenditure of between twenty-one and twenty-two millions, on an average, during his second four years. But did the Treasury Department or he ask for this amount? So far from it, the annual estimates in those years called for only about seventeen millions yearly; and these estimates were forced to be made higher, by Congress, than they otherwise would have been. Because as Congress instituted new works, more money must afterwards be asked for to complete those works, and as it multiplied officers of any kind, or augmented pay and salaries—the Departments were obliged to submit larger estimates afterwards to defray such additional expenses.

We have just had a striking illustration on this point, when a new measure has been introduced by a gentleman opposite, [Mr. MANGUM,] calling at once for an expenditure of a quarter of a million for another steamship of war. That was not included in the annual estimates, nor in any submitted since; and yet it will force the Navy Depart-

ment, after adding to its present large expenses this year, to increase its estimates next year from a quarter to a half million more, in order to complete a work Congress alone is responsible for. Passing from General Jackson's last term, which, however largely swollen by Congress, did not, by some millions, equal in expenditure what is even now proposed, and both of whose terms were only seventeen millions on an average, instead of the twenty-four now proposed, we come to Mr. Van Buren.

This term has formerly been the object of so much undeserved obloquy, as well as misrepresentation, it seems difficult for gentlemen on the other side, though in grave Senatorial discussions, to divest themselves of the party exaggerations adopted before the last Presidential election. Thus, in speaking of the average amount of the expenses in Mr. Van Buren's administration, the mover of these resolutions now states them to have been about thirty-five millions, or, to use his exact words, "an average per year of \$35,640,486 46." But what did his friend, Mr. Ewing, officially report them to be last year? (document No. 31, House of Representatives) Only twenty-seven millions and seven-tenths. Here are his figures in detail, but which need not be repeated.

What did the chairman of the Committee of Ways and Means in the other House say they were? But twenty-seven millions, or, to use his very words, "averaging for each year, \$27,746,000." What did the mover himself then say was their average amount? But twenty-eight millions.

These were his remarks as reported in his speech of September 6th, 1841, on the tariff. He said the expenditure of 1841 would be increased by appropriations at the extra session, so as to be "for the year, \$28,000,000. This actual expenditure of the year would be about the average amount of the expenditures during the four years which Mr. Van Buren occupied the Presidential chair." Yet, now we are told, by the same gentlemen, that they were then thirty-five millions instead of twenty-eight. The excuse for this difference must come from his having then stated what were real, proper expenses, and what alone should be considered in inquiries like these, as Mr. Ewing's course, Mr. Fillmore's, and his own then, demonstrate: but that now, by inadvertence or haste, he has taken from some other person, a sum, including not only such expenses as he and others deemed pertinent before, but all the nominal expenses for debt, and the issue and reissue of Treasury notes during Mr. Van Buren's whole administration. In this way, the aggregate is swollen nearer to the celebrated FORTY MILLIONS. These additions, to be sure, it is necessary for some purposes should appear on the Treasury books; but the real expenses, all know who examine the matter, are not in fact increased a dollar by most of those additions. As, for instance, they would not be, if seven millions should be charged for redeeming old Treasury notes merely by issuing new ones to a like amount. The aggregate outstanding is not increased by this process—the Treasury does not lose a dollar by this—the country is not to be taxed a dollar for it. Then why should it be now included? and why now, but not last September, when engaged in a similar in-

quiry and comparison? Above all this, why is the debt now included in Mr. Van Buren's expenses, and not in those of Mr. Adams, with which it is compared? This is the great wrong inflicted by the inadvantage. It sends over the whole country, under his high authority, a comparison of the expenses of Mr. Van Buren's administration, including debt of all kinds—with Mr. Adams's, excluding debt of all kinds, but appearing on its face as if the items in both were the same. Had the mover examined and reflected on this, he never could have sent out Mr. Van Buren's expenses as an average at thirty-five millions, and Mr. Adams's at only thirteen, when in the items of the former are embraced seven millions each year on account of debt of some kinds, and in the latter are included nothing for debt, though there was, in his term, paid on account of debt, an average of quite eleven millions a year. There can be no reason for this difference in the course pursued as to these two terms.

Again, sir, in order to correct this mistake in all its consequences, it must be further noticed, that the mover says he intends to reduce the expenses this year (computing them at twenty-two millions) quite thirteen millions lower than Mr. Van Buren's—a reduction, he says, "greater than the whole average expenditure of the extravagant and profligate administration of Mr. Adams." Yes, sir, we are told this, when to accomplish it, as before shown, all kinds of debt, nominal and real, are added to Mr. Van Buren's, and none to Mr. Adams's; and when, also, none is added to his own twenty-two millions this year, for a permanent debt and contingencies of four millions, and seven millions more which the Secretary of the Treasury estimate must be paid to redeem Treasury notes.

I entreat him, then, though inadvertently the cause of such injustice to the past Administration, never to believe for a moment that all its expenses were thirteen millions more than is proposed by him for this year, when if the same items are included in both, the difference will not exceed two or three millions.

I trust, too, he will not flatter himself longer, nor his party, nor the public, as is incautiously done in his speech, that when spending twenty-four millions this year, including his two for contingencies—but excluding all kinds of debt, he is making a vast retrenchment of thirteen millions from Mr. Van Buren's wasteful, EXTRAVAGANT, AND PROFLIGATE ADMINISTRATION; because, in truth, he is thus proposing to spend a million and a half more than Mr. Van Buren expended in his last year, and near half a million more than the average of his last two years. Indeed, instead of thirteen, it is only three millions less than the average of all Mr. Van Buren's term, swollen as it was by others, and by causes entirely beyond his control, which I will soon explain.

The gentleman has unfortunately been thus led into a fatal error in the size of his proposed retrenchments of quite ten millions a year, if we go over the whole of Mr. Van Buren's term, and of more than all his [Mr. C's] boasted thirteen millions, if we go either to the last year, or the last two years of Mr. Van Buren's term. Looking to either, the Senator's plan is an addition, and not a retrench-

ment, and an addition to that administration, which he and his friends denounced so often, and with such severity, for the extravagant amount of its expenses. Finding, therefore, that in reality he has thus far retrenched little or nothing, I trust he will unite with me in going lower, not down at once to seventeen millions or fifteen, but descending gradually this year to nineteen millions, and next year to seventeen, as this is only what, under Mr. Van Buren, I proposed, and to which we were fast tending, when a new party came into power, complaining that we expended too much. As a remedy for that, they proceeded at once in an extra session to vote away near six millions additional in six months, and now present, as their plan of greater economy, and of reformed expenditure, a permanent increase of one and a half million over our last year. "Is this the entertainment to which we were invited?"

Yet, sir, I am not disposed to hold gentlemen responsible here for all the declarations of others of their own party on any topics. I therefore refrain from citing many others as to the reduction of our expenses.

But the Senator from Kentucky will not complain of recalling attention to his own wishes and opinions in favor of some further retrenchment, and especially after the challenge in his recent speech to produce any Whig authority in favor of a reduction of expenses as low as fifteen or thirteen millions.

In 1832, he remarked in his able speech on the tariff, that after applying the lands, partly to internal improvements, and partly to the removal of free blacks, he had "no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars," (8 vol. Gales and Seaton's Debates, 293 p.) After the lapse of ten years it would not be fair to consider an opinion favorable to the lowest or even to the highest of those sums as now suitable. The lowest was too low, then.

But during the very last extra session, when presenting a memorial from Georgia, he uttered a hope again, not merely for retrenchment generally, but added, that "he concurred most heartily in the expression of a sentiment in the latter part of the memorial, which expressed the wish that the expenses of the Government might be reduced from forty or fifty millions to twelve or fifteen," &c. (National Intelligencer, June 8th, 1841.)

This is certainly recent enough, but has been construed into a wish, and *not an opinion*, whether such a reduction was practicable or not. Let us then look at another of his speeches, made only in 1840, and to which he himself has invited our attention at this session, as containing correctly what were his views before the election on another agitating topic of the day.

In that speech, to be found in the National Intelligencer, July 15th, 1840, when treating of the public expenditures, he says: **THE ANNUAL EXPENDITURE MAY IN A REASONABLE TIME BROUGHT DOWN FROM ITS PRESENT AMOUNT OF ALMOST FORTY MILLIONS, TO NEAR ONE-THIRD OF THAT SUM.** The one-third would be thirteen millions and three-tenths. I go no further in this inquiry. I would not hold him to that *thirteen* now, or even as soon

as 1845, which is, I hope, "a reasonable time." Nor do I complain of any exaggeration in the remark, that the present amount of expenses in 1840 was about forty millions, as the misrepresentation originated with others.

Then, in truth, they were only twenty-two and a half millions, and the previous year had been but twenty-five millions. A mistake of only fifteen to seventeen millions! and this not in estimates, but in facts, and proved, not only by Mr. Ewing, but by himself at the last session. For at the last session, when speaking of the last year of Mr. Van Buren, (which was 1840,) "he expressed a hope that it (the expenditure) might be brought down as an average for the four years, (Mr. Tyler's term) to the amount of Mr. Van Buren's last year; at least, he trusted it might not exceed twenty-two millions."

Another evil effect from such mistaken views, as to the aggregate and averages of past expenditure, and which it is useful to correct as early as possible, is, that by means of it, we not only flatter ourselves that reductions are commencing, when, in truth, we are making an increase; but our ideas of expenditure get inflated, exaggerated; and it therefore becomes more difficult to be reconciled to smaller and proper amounts.

Having made these corrections, and with these views, showing that the true expenditures in all Mr. Van Buren's term was only twenty-seven millions and a fraction on an average—in his last two years, only twenty-four—and in his last year but twenty-two and a half, I proceed next to show, that even these amounts were higher than he recommended, and higher than is now necessary.

On this last point rests the decision of all the most important of the resolutions. It is the lever that moves the whole. Without it, too, like the Indian philosophy, there is nothing at the bottom for several of them to stand on. Let us examine it then with the utmost care.

Mr. Van Buren's first year, 1837, commenced after an excess of appropriations—made by Congress in 1836, of near eighteen millions beyond the annual estimates submitted. This had compelled General Jackson to expend, in his last year, not only twelve millions more than in the previous year, but ten more than his estimates for 1836, and had forced into his estimates for 1837, additions equal to near three millions. But still Congress, under the expansive impulses of 1835 and 1836 over the whole country, not entirely checked before their adjournment in March of 1837 proceeded, again to appropriate beyond the enlarged estimates more than eleven millions. Mr. Van Buren started, therefore, with all this last addition and near half of the former one still unexpended—being together about twenty millions extra; and but for the consequences of such extra burdens begun and unfinished, his annual estimates would, on an average, not have called for more than seventeen or eighteen millions of new appropriations. But for these consequences and their causes, his expenditures also would not have been much above the same amount. Increased as even his estimates were obliged to be in consequence of new works and new offices, originating in Congress, they were on an average only about twenty mil-

lions, and the expenditures beyond that amount arose from the large appropriations outstanding, when his term commenced, and the constant additions made to them by Congress every year beyond the annual estimates.

Here is a tabular statement of the annual estimates for new appropriations—of the appropriations themselves—and of the expenses in each year since A. D. 1828. It is compiled from official data. It is new as to the estimates and highly important to illustrate this topic.

Years.	Annual Estimates.	Appropriations.	Expenditures.
1829	12,245,963	13,491,131	12,651,457
1830	12,253,626	14,976,471	13,229,533
1831	11,852,911	13,538,681	13,853,786
1832	12,864,099	18,397,751	16,514,134
1833	17,995,581	22,025,217	22,050,312
1834	8,0157,498	20,968,992	18,420,567
1835	15,610,232	17,830,681	17,006,513
1836	19,738,933	37,755,606	29,655,244
1837	22,651,442	34,126,807	31,610,003
1838	20,523,249	33,133,871	31,544,396
1839	21,665,059	23,602,560	25,443,716
1840	18,280,600	21,658,572	22,389,356
1841*	16,621,530	17,943,573	
	† 3,100,000	5,100,000	26,300,000
1842	24,424,358		

* Regular session. † Extra session.

[Some of the last year are obliged to be stated in round numbers, and partly by computation, and the present year is of course ascertained only as to the estimates.]

I concede that the reasons in justification of those increases by Congress, whether in General Jackson's last term or Mr. Van Buren's, were not small nor few. Some of the increases were doubtless suggested by particular Secretaries after the session began, and the annual estimates had been prepared. But those usually do not exceed in amount what Congress is in the habit of refusing or deducting as to several items included in the annual estimates. Some increases originated in Congress as well as in the annual estimates themselves, from the gradual growth of the country and the public wants.

But independent of this, the members of Congress, from their more intimate connection with the community, were more under the influence of the great expansions and extravagances of the times, whether connected with banking, or trade, or speculation, than was the Executive. Beside the increase of its members and expenses by new States added to the stars in the flag of our Union—beside extending the benefits of the Federal judiciary over new Territories—beside multiplying our light-houses in regions newly visited by commerce, as well as in old ones—beside augmenting gradually both the navy and army—numerous special and extraordinary works were undertaken and accomplished. Among these were the erection of various public buildings here and elsewhere—branch mints established—bridges built and purchased in this District—roads made, repaired and extended, at great expense—several old States, with some new ones, freed from their Indian population—two expensive wars waged in protecting our frontiers from the barbarian—great cost incurred from the Canadian rebellion—the pension system much increased—the survey of our whole seacoast and the manufacture of standard weights and measures for each State, as well as the General Government, far advanced—

two valuable dry docks completed for the navy—an Exploring Expedition fitted out—beside numerous forts finished or advanced—rivers and harbors improved—arsenals built and armories much enlarged.

I mention these circumstances as some justification in Congress, while the Treasury was overflowing, to apply a larger portion of the surplus to purposes really national in character and generally useful in their operation. The additional expenses were chiefly objectionable when for objects doubtful in their constitutionality, or not requiring so rapid a progress. They were usually voted for by members on both sides in politics, but when opposed, it was in general less by the opponents than the friends of those Administrations.

So far, then, as any extravagance or wastefulness can be charged on Congress, it comes with an ill grace from the other side of the house; and so far as they have been imputed to the Executive, it appears from these data to be utterly groundless. Even now, with all the complaints as to the amount of our expenses, increased as they were by Congress, and all the promises of large retrenchment, made by our opponents before they came into power, the mover proposes to make the present expenditure, exclusive of debt, twenty-four millions, including contingencies. He does this, when the average of expenditure for the whole of General Jackson's term was but seventeen millions; and of his and Mr. Van Buren's together, but twenty-one millions. On the contrary, as before March last, the tide of increase in expense had been turned for two or three years, as it had not then reached the lowest ebb proposed by several millions; and as the Treasury is now much embarrassed, it certainly seems probable that a reduction can safely be made lower than even the last year, and more especially lower than the average expenses of those Administrations, so much abused for extravagance.

There is another reason for going lower. The rate of increase, in population, since Mr. Adams's term, considering his expense a million too high, would not require now over seventeen to eighteen millions. Considering, also, that but seventeen millions was the average of General Jackson's two terms, increased as his last years were by such extraordinary circumstances, as I have just enumerated, must it not be easy, as well as practicable, in these necessitous times, to get on, and that vigorously and honorably, with a like amount, as under him? Was there not, then, a navy and army—both efficient? a judiciary, a Congress, a custom-house and land office system, a foreign corps, and all on a scale as efficient as now? Do we break down all our great and useful establishments, leaving them as large as they were then, and larger than under Mr. Adams? In an exigency, cannot we do now with what answered well then? and do as more befits our national interests, national honor, and national credit, than it would be to break all compromises and pledges, and prostrate what little reputation is left to us for prudence, and fidelity to public engagements?

So much for the comparison by averages. But it may be justly said that expenses, as a general rule, ought hereafter to advance beyond the past, and that averages for any number of years are not

inflexible guides for other years. This is true; and hence I have shown that, by peculiar circumstances, the past averages are higher than they ought to have been without those circumstances—that when Mr. Van Buren's administration closed, the annual expenses were descending, both by the expanding impulses having ceased to add so much beyond the estimates, and by the termination of works begun, as well as retrenchment in other respects. This is not a new idea with me; and from the official expressions of it frequently and long before the last Presidential election, I will trouble the Senate with one or two quotations, showing my views of the consequences of neglecting it, and in what respects I then supposed the reduction could be made. Thus, in the annual report on the finances, December, 1838, it was remarked:

"No doubt exists with the undersigned that prudence, at this time, requires a reduction rather than an increase in the aggregate of the annual appropriations. Besides what is dictated on this subject by a wise public frugality, and the straitened condition of the Treasury, it is probable that, by the gradual reduction in the tariff, which is in progress under the existing laws, the receipts from customs (which now average sixteen or seventeen millions yearly) will, by 1842, be so far diminished as not then to exceed ten millions. Hence, if the annual expenses do not by that period undergo a reduction in some degree corresponding, so as not to surpass that sum, and the few additional millions which may then be derived from the sales of the public lands, an unpleasant resort to another increase of the tariff, or a recall of deposits with the States, or to permanent loans, will then, if not sooner, become indispensable."

Several suitable items for reduction were then specified, and the reasons for it, the details of which can be seen in the same report, including, among other things, some objects of internal improvement, light houses, pensions, &c &c.

In another report, it was stated that the expenses could safely, and ought to continue to descend, till, in the present year, they would amount to only eighteen millions. Last summer, I enumerated again to the Senate, items amounting to three or four millions, in which I apprehended retrenchment would occur by the completion of works and contracts, or might safely be made from the expenses of the former year; and as those in 1841 have been so much augmented by the premature pushing of former appropriations—by heavy advances—by great allowances before refused, and by new and large appropriations at the extra session, it is practicable now to effect a reduction much greater in amount without public injury, than it was before the recent increases. Not entreaching myself now, any more than heretofore, behind loose generalities or mere professions, I shall next proceed to submit to the Senate the specific items and amounts in which a reduction will, of itself, happen, or by care can, in my opinion, be made from the expenses of 1841. You will perceive that it is not proposed in merely small matters—*penny wise and pound foolish*—nor entirely in large ones, as sands form the mountains; but a judicious and safe selection has been attempted in both. I would be as liberal as the times, the embarrassments of the Treasury, and sound economy can justify. The list is open to the inspection of any person, and will show, that so far from being parsimonious as to the number of officers or their pay, either in the army, or navy—our pride and glory—the customs, the judiciary, land offices, or public Departments; and so far

from impairing the efficiency of any great establishment whatever, I have refrained to run a tilt even against the West Point Academy. I have not touched the pay of officers of any kind, in any of those situations, or the numbers of any of them, except a few useless supernumeraries in the customs and civil stations. I have left those fields for others to glean; and the amount which may be abolished or reduced in them—great as it doubtless is, in some cases reaching even twenty or twenty-five per cent.—that must be computed and added by them to what I have otherwise proposed. Or it may be substituted for some of my enumerated reductions, if deemed more eligible. I do not flatter myself that all my suggestions are either accurate, considering the want of exact data on this subject from the Departments, or are very likely to succeed; nor is any thing claimed for them beyond the intrinsic merits which careful scrutiny shall find that they possess. They are submitted, however, as projects for consideration, and as my contribution towards the design expressed by the six last resolutions in favor of retrenchment.

The plan I have pursued is this:

The Secretary of the Treasury, in his last annual report, states the expenses of 1841, including debt and Treasury notes, to be - - - \$32,025 070
Deducting debt and Treasury notes,
they would be - - - 26,396 996

This last sum is the true guide, and is ascertained with certainty for the first three quarters, and a statement for them is annexed to his report, giving the items and their amounts. The fourth quarter is estimated by him, and I have since offered a resolution requesting the items and amounts of that quarter, which by this time are ascertained, but no answer has yet been furnished to us. I have, therefore, been compelled to proceed without them, and in some cases, to add one-third of the expenses of the first three quarters for the fourth—where the expense was probably advancing in a like manner, and in other cases add less, where the work was probably not so advancing, and in others add nothing for the fourth quarter, if the business appeared likely to be ended. So in several instances of appropriations at the extra session, which could scarcely begin to be spent in the first three quarters, and were for matters to be expended at once; the whole amount has been given, as it was all likely to be paid out within the year. When the details of the fourth quarter are received, all these calculations will be subject to revision and some correction, but they are now believed to approach near to what will prove to be the actual result.

In case of works ended, or business done, or final payments made, the whole payment in 1841 is of course deducted as not likely to be repeated in 1842. In case of a work supposed to be unfinished, which might be and will be less expensive in 1842 than 1841, a proper reduction only is made from 1841; and in case where the public interests appear to require a larger expense in 1842 than in 1841, an addition is made to the expense of 1841, in an amount appearing suitable under all the circumstances.

Some mistakes are likely to happen with such imperfect data, but the amounts are taken from

official reports where they exist, and the others are intended to be accurate, and, after additions to some and subtraction from others, founded on different opinions as to details, or on new data, the aggregates will probably, in the end, not vary essentially.

The result has been this: All the expenses in 1841, which, it is computed, will, with that year, cease entirely, or, in a great measure, amount to about \$6,665,000. They consist chiefly of expenses in the land offices here and elsewhere, and the Surveyor General's office, (as these are, hereafter, to be paid out of the revenue from lands, and not be a charge on the Treasury) of most of the expenses connected with the late census, and a large amount for some public buildings now finished—a considerable portion of the expenses of the Florida war and pensions—the large contributions, made at the extra session, to aid the Post Office and the navy pensions—several heavy special appropriations for old claims connected with the Seminole campaigns—great payments under the Cherokee treaty, and some other Indian treaties not to be repeated—several large private claims—the whole cost of the extra session, and new outfits then for a number of foreign ministers—with many smaller charges specified in the list, but which need not here be enumerated.

The reduction from 1841, which, it is supposed, can be made in other items, equal about \$2,100,000. They consist of expenses in the two Houses of Congress—the Judiciary—refunding duties and drawbacks—fall in price of the rations in the army and navy—boards of commission—contingencies of departments and foreign missions—and several others of less magnitude there, particularized.

The additional expenses, which, it is supposed, may be required in 1842 over 1841, are about \$1,700,000, being chiefly connected with the navy and army, and the longer session of Congress. These are to be deducted from that amount, which would otherwise be abolished and reduced. The balance to be saved in the aggregate would thus equal about \$7,065,000, which, taken from the expenses of 1841, at \$26,396,996, would leave for 1842 an expenditure of only about \$19,000,000, or by the tables \$19,331,467.

In 1843 a further reduction in pensions—in the session of Congress—the Florida war—forts—the navy, &c. would probably be made equal to \$2,500,000, which would reduce the aggregate expenses for 1843 to \$16,831,467. [See appendix.]

Allow in this year one and a half millions more to cover contingencies, and the aggregate for 1842 would be but \$20,831,467, and for 1843, with a like addition, it would be but \$18,331,467. What else can be easily paid towards the present debt will hereafter be seen, though none of it falls due this year which existing means to discharge by loans and new Treasury notes have not already been voted. But add one and a half millions more to constitute a surplus which, with half a million now on hand, is all the Senator asks—it would make every thing, besides the debt, which is needed in 1842, but \$23,331,467; and as this last item is not to be repeated, all that is wanted in 1843 will be but \$18,331,467.

This, sir, would be real retrenchment, and not that counterfeit which ends in taxes increased, and a national debt enlarged. It would be retrenchment in deeds, reducing expenses, taxes and debt all contemporaneously, and not retrenchment in words merely, holding the promise to the ear, and breaking it to the hope. It would also begin now, and not always be postponed to the future, or that more convenient season which, it is feared, will never arrive. It will, in fine, show that we are in earnest, and not talking for effect, or being unconsciously deluded and deluding.

I regret, sir, that there would seem to be two classes of persons in the Senate and the country, who may suppose their interests to be injured by so great reductions as these, and hence might insensibly feel prejudiced against them, as well as against the individuals who propose them. Those classes consist of such as are to profit by large local expenditures, and the political patronage connected with them, and such as see in expenditures of that character a reason for raising the tariff so high as to give greater protection to their interests in manufactures. But I indulge in the hope that most of both of these classes every where, and all in this chamber, will rise above the influence of such considerations, in a crisis so alarming as this, and will with boldness and patriotism apply the pruning knife freely. They may, in this manner, save public credit, and relieve the people at large from further taxation, when otherwise financial ruin must stare us in the face, and a suffering country be utterly broken down by additional burdens.

In this manner, also, as I will proceed to show, revenue sufficient can probably be obtained without violating either of the tariff compromises, and without thus throwing an apple of discord and disunion among the States, which is likely to prove fatal to all fraternal regard and public harmony.

The revenue to meet this charge is, under the present laws, to be derived almost entirely from customs. Its amount must, therefore, depend in a great degree on the value here of the aggregate of importations. Various computations were offered at the last session, and others have recently been presented in the Senate as to that amount. I shall offer none of my own on this occasion. It is sufficient for the present purpose to take that submitted by the mover of these resolutions, with such corrections in its details as are obviously proper. In this way, it will become manifest to the Senate, that on his own hypothesis enough is likely to be received in 1842, without raising any duty above twenty per cent. If his data be right as applied to 1842, there will be sufficient to pay all the above charge of near twenty-two and a half millions, and also two millions more, the amount estimated by the Senator as proper for the public debt. Next year four or five millions can be paid on the debt, beside discharging the other expenses, as before estimated. He makes the average exports of domestic produce, during the last six years, the foundation of his estimates for the amount of foreign imports, and the revenue on them this year; and he starts with the fact, that the average has been about \$103,500,000. This is the correct amount, but in six ensuing years, the

increase of exports over that sum, by the increase of our population and wealth, would, on an average, exceed eighteen per cent., and considering the lowness of prices, and that the aggregate last year was higher than that average, we ought to add to this value at least twelve per cent. This he has omitted or overlooked; and it being near twelve millions and a half, would present an aggregate going abroad of about one hundred and sixteen millions of dollars. Next he adds fifteen per cent. for their increased value in foreign markets, and thus augments the value to about \$133,400,000. From this he makes a deduction for the amount which will be applied abroad in payment of the State debts. But considering that large portions of those debts have recently been sent back to this country, and the payment of interest suspended for the present (though I hope not forever) on much more of it, the sum of seven millions, instead of ten, will be quite enough to deduct on that account, leaving to come home \$126,400,000. He next speaks of the home valuation to be added, computing it to be from fifteen to twenty-five per cent. and of the present mode of assessing the value of the imports somewhat higher here than abroad; but in fact he omits to add any thing for either. If we then increase by only fifteen per cent. the home value beyond the foreign value, which is little more probably than the difference now made in articles on which ad valorem duties are assessed, and the worth of all the imports here would be \$145,360,000. Deduct from this \$18,000,000 for the articles now free, beside tea and coffee, as he does, though estimating their amount I think too high, and the balance subject to duty is \$127,360,000. The duties on most of them, at twenty per cent. as he considers the rate—(those at a lower rate being too small in value to affect much the result)—and the gross amount of revenue would be \$25,472,000. The cost of collecting this, he computes at \$1,500,000, which would leave a nett revenue of \$23,972,000, or only a fraction below twenty-four millions.

Now it must be manifest that this alone would pay the charge before computed of \$22,331,467, and leave this year over one million and a half towards extinguishing the debt, and next year over five millions and a half towards the same object.

But, besides this, there will be received in 1842 for duties, which accrued in 1841, and were secured by bonds on credit, quite \$3,400,000, as estimated by the Secretary of the Treasury in his annual report, but which the mover has forgotten. There will also be received quite a million more for duties accruing in the first half of 1842, higher than twenty per cent. which the Secretary overlooks, as well as the mover, making together this year \$4,400,000 more, which can be applied either to cover contingencies or differences in opinion, as to reductions and estimates, or to lessen further the public debt.

If the home valuation, computed at twenty-four per cent. was added to the value abroad, which the mover has at times considered not too high a rate, and the aggregate of revenue would be quite two millions and a half more.

Unless he is then entirely wrong in his original data for estimating the revenue as applicable to the

current year, or has omitted to make special reductions this year, proper on account of the peculiarities of the times and the country, and the discouraging position of the Administration, no increase whatever of duty above twenty per cent. can be needed to defray the reduced expenses which I propose. Indeed, none would be needed to meet his own larger computations of expenses, as they are but twenty-four millions this year without debt, and twenty-six with it. And as the smallest revenue, on the above computation, would be this year near twenty-four millions by means of twenty per cent.; and, adding to it what will be received under the old laws over twenty per cent. it will equal quite twenty-eight millions.

In confirmation of these conclusions, his estimates of revenue, on the twenty per cent. alone, for 1842 and afterwards, submitted at the late extra session, and prepared, as he said, at the Treasury Department, were one of them over twenty-two millions, and another over twenty-five. Here they are, sir. In remarking on them, his words are thus reported :

"The Treasury statement of the avails of the revenue for a series of years to come, he said, made twenty-five millions the supposed average for a series of years—twenty-three millions was his average of the amount of revenue for a series of years."

Either of those sums, with the additions of \$4,400,000 required for old duties above twenty per cent. collected in 1842, would pay all he now wishes to have for debt, and every thing else.

Why, then, sir, should he disturb the compromise in the tariff of 1833? If the Senator has not made any or sufficient deductions from the revenue this year on account of embarrassments in trade, inability to purchase foreign commodities, loss of confidence in private and public promises, and prostration of credit under the bankrupt system, as I think he has not, and hence that the revenue may in fact be lower than his data warrants, then the difference can be made up by still farther reduction of the expenses. In such extremities a prudent individual would reduce farther the number of his servants, sell off useless horses and carriages, and stop contemplated expenses for new furniture and buildings. On the same principle the Government, if wise, will, for a time at least, in such an exigency, go beyond the particular retrenchments before specified, and discontinue some of its numerous officers, reduce the wages of others, postpone some works, and the appropriations for them, where not immediately wanted, and, if need be, cut down all salaries and pay (including our own) quite one-fifth or one-fourth. This would be far more rational, in such a crisis, and better for a distressed community, than a resort to higher taxation or farther loans—loans, which the banks or capitalists are neither able nor willing to make on moderate terms to a spendthrift Government, and which, as the first resolution implies, are in time of peace injudicious and ruinous.

In the event, then, that for the revenue, the Senator has or has not made a sufficient reduction in his data, and we thus obviate the last, there will in either case be income sufficient. But in either, it is to be effected by taxing tea and coffee twenty per cent. or by taking back the public lands. The

question will then recur, which of these, under all the circumstances, ought to be preferred?

The mover of the resolutions proposes to tax tea and coffee, and includes that tax in his estimates. I propose to substitute for such a tax the repeal of the distribution bill. It is now conceded that the lands, if surveyed and advertised in the usual manner, will, even in these times, yield three millions, or as much as a twenty per cent. tax on tea and coffee would yield. Is it not, then, more wise and judicious to recall the lands, than break up our tariff compromises, and overburden our constituents with additional taxes?

I go further, sir, believing, as I do, that all reasonable expenses could be met under the present tariff without the tax on tea and coffee, if the lands were taken back. I would not only recall them before putting any duty whatever on those great comforts, if not necessities of life, to all classes among us; but much more would I do this before breaking the second as well as first compromise, and raising the duty higher than twenty per cent. on tea and coffee, (and even then not taking them back, as one resolution proposes,) higher, too, on salt, iron, sugar, molasses, and all the staple imports consumed by the poor and working classes almost as extensively as by the rich. The repeal of the distribution is admitted to be necessary on the one hand, or, instead of it, the imposition of a tax of twenty per cent. on tea and coffee. Before acting on these resolutions, the Senate then must decide whether they will take from every family in the country every fifth pound of their tea and coffee, which is the effect of the twenty per cent or recall the land revenue, which always belonged to the General Government, and which, in my opinion, especially when taxes must be collected instead of it, can never be withheld from the use of the General Government on any principles either expedient or constitutional.

The country will see that the two measures are antagonist. If the distribution bill is repealed, I have already shown, that with proper reductions in expense, tea and coffee need not be taxed at all. If it be not repealed, they must be taxed.

Now, sir, I shall not on this occasion follow the example of some who have preceded me in the debate, and argue in detail whether the distribution was ever justifiable or not, but will merely state briefly the few naked points or general reasons why the revenue of the lands ought in this emergency to be retained by the General Government rather than resort to new taxes on the great articles of almost universal consumption. The distribution bill should first be repealed—

Because the power of taxation is never to be used on articles of common consumption, either to include new ones or raise the burden on old ones, if it can honorably be avoided. But now a tax on tea and coffee can be avoided, if you retrench sufficiently and recall the proceeds of the lands.

Because deliberate compromises and compacts, as well as restrictions, are never to be broken, even when not binding in strict law, provided the breach can readily be prevented, as it may be here by taking back the lands.

Because a large branch of revenue, like that

from the lands, belonging always to the Government and used from its foundation, can never be prudently given away when the Treasury is embarrassed and deficient. You are thus not only compelled to resort to higher taxes or a permanent debt in time of peace, but you lose general character for sagacity, and have less to pledge in support of your credit. A bond alone is not so readily taken as a bond and mortgage; and a promise, even by a Legislature, to raise money and apply it in discharge of its interest or bonds, is seldom if ever, in these times, quite so good security as the taxes actually voted, assessed and pledged.

Because the Constitution, as well as prudence, is violated, if the power of taxation is exercised to obtain money for the purpose of distribution. There is no such grant in it; and hence, giving away the proceeds of the lands now, when there is no surplus and more taxes must be imposed to supply their place, violates the strong convictions of right expressed by the mover himself of the resolutions, in 1832, as well as violates the clear spirit of the Constitution and the dictates of enlightened prudence, so frequently demonstrated since.

Because distributing the lands purchased in Florida and the former immense limits of Louisiana, is giving away what was purchased and paid for out of the Treasury, by taxes on commerce with other revenue, and is therefore a virtual donation of those taxes, and hence is admitted to be unjustifiable.

Because the other lands were ceded by only seven States out of twenty-six, and if they go back, not as a gift but as a resulting trust; the purposes of the cession having been accomplished, (which by the way is not yet true) then they can go to only those seven States, and not, as now, to the twenty-six.

Because, if they go back as a general trust, for all the States, the object of the conveyance being finished, which is not correct while there are any joint and common wants to be supplied, (and no clause in the deeds can fairly bear a different construction,) then neither the purchases of Florida or Louisiana, which now yield nearly half the annual proceeds, can be distributed. They were not obtained by deeds from any of the States under any conditions or trusts whatever.

Because the lands cannot be granted to the States under the idea it is for the payment of any debt; as the States owe the General Government, rather than the reverse, and as there is neither evidence nor consideration in support of such a debt. If there was, we have no right to stop its payment in war, as the bill does, or take back, when we please, any of the lands, as the bill provides, nor arbitrarily pay more in proportion to some States than to others, as the bill does.

Because the power in the Constitution to dispose of the public property is a power to sell it and not to give its proceeds away, but the proceeds must be paid into the common Treasury, as they ever have been, and must be applied to the public, joint, specified objects, to which alone, under the Constitution, any money can be lawfully applied.

Because the distribution, if with a view, as some avow, to aid in paying the State debts, incurred for State objects, is for a purpose not specified nor

designed by the framers of the Constitution, is unequal, as several States owe nothing, and is in its tendency most ruinous to the original relations and dependencies between the States and the General Government.

Because if the distribution be, as others argue, to relieve the States from the necessity of direct taxation, it is then also for a purpose not authorized in the Constitution, and in another respect most unequal and oppressive in its operation, as all the States, considered together, must pay back by indirect taxes more than they thus receive, in an amount equal to the addition of costs of collection, agencies, losses, &c. Beside this, many States not being in debt, must submit to this injury solely for the benefit of others more improvident.

Because, not to recall the lands, is to let the State Governments apply to any objects they please, and in any manner, however wasteful, money belonging to another Government, or furnished virtually by taxes assessed by another Government. We thus dangerously sanction taxation by one Government and the application or appropriation of the money to be made by another Government.

Because the distribution in this way tends to relieve property from direct taxes in the indebted States, which is best able to pay taxes, and most bound to pay them, and throw it chiefly on persons, by means of the substitute of indirect taxation through the tariff, and this, too, when persons are the least able to pay them. It thus increases, also, the burdens of those States who consume most, compared with what they manufacture, and relieves those who consume least of either foreign or domestic products, coming from beyond their own borders. In this and other modes it tends to augment our debt in time of peace—works unequally and oppressively—revives State jealousies—and disturbs vitally the harmony of the whole Union.

My hostility to the distribution bill arises from causes like these, and not from an unwillingness to vote taxes when proper. Lord Castlereagh once complained of what he called "the ignorant and impatient dislike to taxation," which characterised England. Our people, however, are averse to taxation when unnecessary, not from ignorance, but intelligence; and hence experience shows that they will always submit to it when the real wants of Government, or national honor and the public credit, demand the sacrifice. They will yield to a tax even on tea and coffee, if thus demanded; provided the lands are first recalled, but not till then; much less will they submit to it, if rendered necessary only by giving the lands away, and refusing retrenchment for the purpose of increasing the tariff higher, in order to protect manufactures. It is a lamentable position, that any great branch of industry should find its supposed interests likely to be promoted by extravagant expenditures and wasteful donations of the public revenue. As men are but men, frail and yielding, it is to be feared that much evil must result from that position, however pure and well disposed all those may be, and doubtless are, on this floor, who feel friendly to a system of high protection to manufactures.

Indeed, we have already witnessed in this debate arguments in favor of a higher tariff than

twenty per cent. in order to aid manufactures, and arguments also against the repeal of the distribution, virtually because it would keep down the tariff three millions lower. Now, sir, I may say, once for all; that it will, in my opinion, be fatal to all sound principles of political economy, and to all wise retrenchment in public expenditure, if we yield to this syren song of protection, by taxation. The Constitution was not formed for one class of people alone. The laws should never be shaped to aid only one kind of employment. The expenses should never be graduated to promote the interests of but one section. The taxes should never be imposed except for common purposes. But some gentlemen, though admitting that taxes cannot be raised at all, or higher than twenty per cent. merely for protection, argue that it may be done directly for other purposes, but in such a way as to operate indirectly for this. This is avowedly to legislate to accomplish one object, but really to seek another. Those who, in substance, use such reasoning, must justify it. I am not going into any details of argument on it, but, in my view, the following positions show the fallacy of all taxation, direct or indirect, with the exclusive design of giving protection to manufactures.

1st. The power of taxation in the Constitution is conferred expressly to pay debts, and support the various civil, military, and naval establishments of the Government, and not to protect manufactures alone, or even these and other branches of labor as a specific object.

2d. Whatever benefits would incidentally result to any branches of industry from any system of taxation, ought to be as far as possible useful to all branches rather than one; and certainly not to one, as manufacturers, at the expense and injury of others, such as commerce and agriculture. But whatever may be pretended in reasoning that all branches are to be benefited by a higher tariff, the fact is, that none but manufacturers call for a higher tariff, and none but they and their friends believe in its utility.

3d. Protection by discrimination in duties having been deliberately abolished in 1833 by the compromise act, it is certainly a gross violation of its spirit now to refuse to repeal the distribution and retrench expenses, in order that protection may be obtained in another way by means of higher duties on every thing. A discrimination for protection, raising at the same time less in the aggregate from the people than in this new mode, would surely be less burdensome to the community in its direct effects, and tempt us less to extravagance and waste in expenses, though either mode seems unjustifiable.

4th. Protection in either way is impolitic, as it tends to create an artificial state of business; because the products, which it is necessary to aid by virtual bounties in order to make them here, are either products not natural to our climate, or not congenial to our habits, or not germane to the skill, education, and principles of our people. Hence it costs much more to make them here than to buy them abroad. If only four dollars more per head be paid by our population on the products, domestic and foreign, which they consume, and whose price is thus raised, our whole tax yearly, on this

account alone, would be over sixty-eight millions of dollars.

5th. Protection, in either way, is also impolitic, because it disturbs capital and labor, by tempting it with higher profits for a time, into new channels, but ere long, they being thus overstocked, profits become unusually low, and the system, as a whole, proves unprofitable and ruinous.

6th. Protection, in either way, running this round, is suicidal, as it asks in time for still higher taxes, and higher, till the whole system breaks down by its own weight, or by its inequalities and injustice. Such was the case in 1833.

Again, in illustration of this position, when duties in 1824, were already twenty-five per cent. on some articles, thirty on others, and even fifty on others, the manufacturers were no better satisfied, nor more prosperous, than they now are with but twenty. Then the mover of these resolutions, even under those high duties, and the lauded currency of a National Bank, drew a picture of the sufferings of the country, and especially the distresses of the manufacturers, to which their present situation is enviable—is full of light and gorgeous prosperity.

7th. Protection either way, if it fosters some and injures others, is not only unequal and unjust, and in time, defeats its own object, where the product is not natural or congenial; but it tends here to cramp the energies of the second commercial nation on the globe—feters enterprise—reduces profits on what is not protected—oppresses those who pay more for what they consume; and as it throws obstacles in the way of free labor and free interchange of products, it leads to retaliatory wars and non-intercourse, and retards civilization and improvement all the world over.

8th. Protection either way is, in fine, never needed for legitimate and useful industry, as every country and climate have their peculiar advantages, and possess products more cheaply obtained or made than elsewhere. The North has its grass, fish, and ice—the South its cotton, rice, and sugar—the West its wheat, corn and pork—Italy its silk and wines—England its coal, iron, and tin—Turkey its drugs—Spain its olives—Mexico its mines—India its opium and indigo—China its teas, and so through all the wide circle of every zone; and so, too every where with certain manufactures, peculiar to various states of society, to skill in arts, fortunate improvements in machinery, and a thousand circumstances unconnected with taxation. In fine, not to extend illustrations or enumerations, protection is given by some spontaneous cause or other, to all people in something, and beside this, to others, by distance and expense of transporting similar articles from remote places. If you go beyond this, you make consumers pay higher than is necessary; you force what is unnatural; you enchain free exertion, and you interpose new obstacles in the way of human progress and the friendly intercourse as well as rapid amelioration of all our race. And for what? According to the arguments pressed throughout in this debate, it is, besides protection, to keep specie more in the country. Otherwise, gentlemen fear it will go abroad to purchase foreign products. I rejoice, that the manufacturers

have become so much more friendly to specie than some of them were in 1837, when, as well as since, so many of them indulged in such undeserved eulogies on *blessed paper credit*. They forgot on this the sarcasms of Pope, over a century ago.

"Blessed paper credit, last and best supply,
That lends corruption lighter wings to fly;
Gold imp'd by thee can compass hardest things;
Can pocket States; can fetch or carry Kings.
A single leaf shall waft an army o'er
Or ship off Senates to a distant shore."

Thanks to the *second sober thought* of the people, we are not all yet shipped off by *paper credit* to a *distant shore*, though some may have been a few years ago. Specie is much more likely not to be shipped off, under a system of free trade, than under any prohibitory laws to aid manufactures.

On this, sir, we need but little reasoning, as it is obvious that the greater commerce is, rather than the less—the more do you need specie or its equivalent as the chief medium of settling commercial business, and commercial exchanges. The more engaged then, in trade, is any nation, like England or France, the greater is the amount of its circulating medium as well as its specie. In those countries, while the currency is eighteen to twenty dollars per head, and more than half in specie, it is in Spain, Russia, &c. less commercial, only to five or six dollars per head, and in Russia, often in depreciated paper.

But above all this, our official tables show that less specie has remained in the country under a high than a low tariff. The imports of specie from 1829 to 1832 inclusive, the period of our highest tariff, did not exceed the exports more than two millions a year on an average, while from 1833 to 1841 inclusive, when the tariff was falling, the former exceeded the latter more than five millions annually. I know full well that these official returns are not exact, and that other causes may have aided to increase the quantity of specie remaining in the country during the last ten years. But I know also that this same period is as just as any other for comparison, and in another view of this question, that it shows an increase of specie retained here, being near fifty millions, going hand to hand, with an increase in our commerce, unprecedented in history. This attempt by legislation to prohibit specie from being exported is Spanish in its sagacity and liberality; and we might almost as wisely prohibit by law the tides from ebbing, or salmon and birds from migrating.

Again, a high and protective tariff is advocated by some on the ground that it would diminish our imports from England and her dependencies, when in fact, our imports thence have been highest, compared with our exports thither, in the four years of the highest tariff. Indeed our trade with that power and her dominions has never been the losing one to us, which many have supposed.

For though she has not, under her severe corn laws, taken so much of our grain as is desirable, yet she has taken other articles, and especially cotton, in such abundance, that, computing the value of our exports as it is abroad, the value has been greater than our imports from those places, during the last twenty years, by near a hundred millions of dollars. The tabular statements as to this are before

me, but I will not trouble you with their details.

One moment as to a new topic of alarm, which has been introduced into this debate by the Senator from Indiana, [Mr. SMITH.] He apprehends that our market in England, for our raw cotton, is likely to be soon cut off by increased imports there from India. Hence, he argued, that the tariff must be raised here in order to make a greater market at home for our own cotton. What does he state to be the foundation of these sad forebodings? It is, as I understood him, the increased import of cotton from India into England, during the last ten years, equal to 23,000,000 pounds. Taking this to be the fact, as I have not examined his tables, it looks like a large addition. But what do you suppose has been the increase in the American exports of cotton during the same period? Not, sir, merely 23,000,000, but 445,000,000 pounds. This has been nearly twenty times the increase of exports from India to England, as stated by that Senator. The increase in the quantity grown here in that period has been still greater. I shall not go into this topic further, though my inquiries on the growth, manufacture, and trade of cotton, might enable me to do it with some advantage. But to show how the other years, near 1830 and 1840 compare with those two years, in our exports of cotton, so as to bar any inference that those two do not exhibit a fair comparison, I will state them for four years nearest such period.

The exports in 1827, were	294,000,000	pounds.
" 1828,	210,000,000	"
" 1829,	264,000,000	"
" 1830,	298,000,000	"
Aggregate,	1,066,000,000	"

The exports in 1837, were	444,000,000	pounds.
" 1838,	595,000,000	"
" 1839,	413,000,000	"
" 1840,	743,000,000	"

Aggregate, 2,195,000,000 "

This gives an increase in the exports of cotton from the United States during the last four years, beyond those ten years ago, of 1,129,000,000 of pounds. Is this calculated to frighten the South into a system of protection? On the contrary, the price has fallen so much with this vast increase of quantity, that the probability rather is, that parts of the South may voluntarily resort to other crops to a greater extent than heretofore, as being, under the circumstances, more safe and convenient, as well as more lucrative. It is estimated, sir, that the crop of raw cotton grown in the United States in 1839 was equal to the whole cotton crop of the world in 1834; and yet, sir, our crop of the humble article, Indian corn, at only half a dollar per bushel, was near three times its value, and the more humble article of hay, double its value. India has always raised and always exported some cotton. But does not every body see that, with her dense population, if she diverts much land to the growth of more cotton, on which are now raised rice and grain, she must import the latter from this or some other country, and be in constant danger of famine?

Let every nation, then, sir, produce what her climate, the character, and skill, and habits of her population render most profitable, without force or hot bed protection. Then most is raised, and most exchanged, if each nation is, at the same time, by free commerce, allowed to sell where she can obtain most, and purchase her wants where she must give least. In this way each nation is gaining, and is useful to the whole circle of nations. All produce and profit most, by untrammelled intercourse and exchange with all; mutual benefits and improvements are greatest, and man every where ceases fastest to be a wolf to his fellow man. In this view, it is of little consequence whether the country which buys most of us, sells us in return most or least. Specie and commercial exchanges overcome and equalize all this, as mere barter is the very lowest stage of trade, as well as of civilization.

Let us, then, promote, rather than obstruct, in this enlightened age and country, freedom in every thing salutary. The people can then, unburdened and unrestricted, see prosperity revive, if the legitimate resources of the Treasury in the lands are promptly recalled, and our expenses retrenched to an economical standard. But if we do not hasten to these modes of relief, a most appalling catastrophe awaits the finances and credit of the Government—a volcano is opening under our feet. New estimates, even while these propositions are under discussion, are sent to the other House, which are likely to swell our ordinary expenses to near thirty millions, rather than reduce them at once, as should be done, to twenty or twenty-two, and next year to eighteen.

While we talk, the blow of discredit, protests, and new acts of disgraceful bankruptcy, may be again struck. With all the breakers ahead, and all the ominous shrieks in the misty air, not a single official recommendation is sent here for recalling the land revenue, or retrenching what is sinking us into the dark abyss of insolvency. Not a rag of canvass is taken in, nor the rudder turned a single point to avoid shipwreck, as is more and more necessary after the expansions and extravagances of the late extra session. But the ordinary mariners on board, as well as the helmsman, seem blindly bent on going down, vessel and cargo, under full sail.

So must it be, if this infatuation does not speedily cease; and while we lament it on account of our common country, its welfare and character, so dear to us all, we must submit, from the impossibility of averting financial ruin, without soon, very soon, adopting wiser councils and wiser action.

APPENDIX.

By the last annual report on the finances, all the expenses of 1841, are . . . \$32,025,070

Deduct Treasury notes and debt,	{	5,054,891
		573,153
		\$5,628,074

The expenses of the whole year 1841, besides debt and Treasury notes, were, according to the annual report of Secretary of the Treasury . . . \$26,396,996

Ascertained items for three quarters, given in the statement annexed to that report, which it is supposed should cease entirely or to the extent

named, to be a charge on the Treasury. The 4th quarter is in some cases estimated and added:

1. General Land Offices expenses	121,563
Register and Receivers' salaries, with incidental expenses [3,396
(Some of these are paid out of the accruing revenue, but are all a charge on the lands, though not all on the nett revenue.)	
Expense of surveys and salaries, and expense of offices of Surveyors General	202,752
	<hr/> \$407,706

These are for the whole year, as taken from a special report.

2. Repayment for lands erroneously sold, after 1st January, 1842, whole year estimated	12,000
3. Relief of certain inhabitants of Florida	43,846
4. Payment of certain clerks in custom houses at Boston and Philadelphia, (a new appropriation and probably ended)	23,200
5. Survey of Texas boundary and northeastern 4th quarter estimated at	82,354
6. Post Office for the whole year, assumed at [As that sum was appropriated for debts then due at the extra session.]	497,000

(2d page.)

1. Relief of American seamen—arrears for past years—beside the usual sum	46,550
2. Expense under Mexican commission for whole year	15,000
3. Agent to Havana	6,043
4. Arrears to Georgia militia	78,495
5. Certain buildings at West Point finished	5,000

(3d page.)

1. Purchase of site and rebuilding of arsenal at Charleston, S. C.	11,585
2. Purchase of saltpetre and brimstone [4th qr. \$16,000 near average, but not carried out.]	50,000

(4th page.)

1. Removing raft in Red river	25,000
2. Surveys on the lakes	10,000
3. Arrears for roads, harbors, &c. whole year,	3,000

(5th page.)

1. Cherokee treaty of 1836 [4th quarter, on an average \$330,000 now—but not added as doubtful till report of the 4th quarter is received.]	1,184,502
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2. Expenses ended in the Winnebago treaty	13,000
3. Claims paid in Miami treaty	26,690
4. Certain surveys in Mississippi, for the whole year, estimated	5,000
5. Relief to several individuals, in sums unusually large	50,000

(6th page.)

1. Tennessee volunteers, mustered by General Gaines	23,884
2. Pay of Illinois militia	5,518
3. One month's pay for Kentucky, Tennessee, &c. militia for 1837	48,962
4. Protection of Northern frontier [4th quarter \$17,000 average, but not added.]	53,353
5. Transportation of 4,000 volunteers	10,000
6. Drafts and arrears in Florida—subsistence of volunteers, and purchase of three small vessels	25,000
7. Transportation of supplies for the whole year—volunteers, &c.	24,000
8. Freight or transportation in Florida, and miscellaneous and contingent charges	52,500
9. Carrying into effect Osage treaty	12,600

Items general and partly derived from other documents and appropriations.

1. Navy pensions voted for at the extra session, then due and nothing more a charge on the Treasury	\$130,000
2. Arrears of roads and harbors, voted at extra session, and spent probably in 4th quarter	40,000
3. To General Reid's militia	297,213
4. To arrears to Florida Militia	19,353
5. Insolvent debtor expenses, &c. ceased since bankrupt law—so the commissioners should be abolished, &c.	3,000
6. Buildings of the Treasury, Post Office, Patent Office, and New York Custom-house, ended, on which expended last year, whole year estimated, excluding Boston	403,000
7. Census ended, and expended in whole year, computed	830,000
Leaving some balance for printing and arrears in 1842.	
8. Florida war so far ended as to reduce expenses	

for this year two thirds—e. g. last year suppressing Indian hostilities; whole year estimated from three quarters at \$579,211 to be \$1,160,000
 Quartermaster's Department at extra session, chiefly for this 440,040
 Other transportation, subsistence, and forage incurred by Florida war 300,000

\$1,890,040

1,260,030

- Of which two-thirds is
9. Furnishing President's House, whole year estimated 5,000
 10. Greenough's statue placed in the Capitol 20,000
 11. Donation to Mrs Harrison, and expenses of President's funeral 30,000
 12. Extra outfits of foreign ministers, at extra session voted 63,000
 13. All expenses of the extra session of Congress estimated at about 550,000
 14. Custom-house officers, recommended to be abolished formally (no matter how paid) 20,000
 15. Two revenue cutters abolished as duties lower 25,000
 16. Arrears to collectors made up (1st page) at least 80,000
 17. Two commissions of inquiry and all expenses less by 40,000
 18. Salaries of some district judges raised, but others lowered, so that aggregate be the same.

Reductions in 1842 from expenses in 1841, in several particulars, not specified under what is supposed to have ceased entirely or chiefly.

(1st page.)

1. Contingencies of Congress, printing, &c. \$150,000
2. Executive Departments, contingencies 50,000
3. Territorial Governors' salaries reduced 2,000
4. Mint clerks and expenses reduced—as no deposits and less coinage 5,000
5. Judiciary expenses reduced by clerks and by judges, not allowing when no express law 50,000
6. Light house keepers' salaries reduced 25 per cent. 25,000
7. Erecting marine hospital at Mobile 5,000
8. Roads and canals in several States 36,000
9. Refunding duties and debentures, per year, less 280,000
10. Reduction in foreign missions, by discontinuances, &c. at a few foreign courts 30,000

(2d page.)

1. Tobacco agent, ended 2,000
2. Pensions reduced by falling off, general average 600,000

3. Widows, do. less by (3d page.) 300,000
1. Arsenals and armories reduced at least 100,000
2. Barracks, reduced, expenses about 50,000
1. Contingencies to Indian Department reduced (4th and 5th pages.) 10,000
2. Expenses in holding treaties and removals, less (7th page.) 5,000
1. Less expenses in 1842 in building two steamers 250,000
2. Rations for army and navy reduced in cost by fall of prices, &c. 150,000

RECAPITULATION.

1. Abolition of expenses, by ceasing entirely or chiefly, as the objects are ended, &c. Aggregate \$6,665,529
2. Reductions of expenses, chiefly on objects not ceased 2,100,000
3. In this way the whole saving from expenses of 1841 would be \$8,765,529
1. Add in 1842, for a few important items—Long session of Congress, and increase per diem 200,000
2. Increased naval expenses by Home squadron and more officers—and army, for fortifications, and ordnance 1,300,000
3. Other miscellaneous items, estimated at 200,000
- Additions, aggregate, \$1,700,000

- From the whole gross savings of \$8,765,529
 Deduct the additions of expenses to be made, equal to 1,700,000

- Balance of nett retrenchment to be made in 1842, by objects finished and reductions in others \$7,065,529
 Take the last sum from the whole expenses in 1841, and there is left for expenses in 1842 19,331,467
 In 1843, as less will then be needed for forts, pensions, Florida war, navy and Congress by two millions and a half, the whole expenses can be reduced to 16,831,467

NOTE.—Some items are not carried out in the above tables, as the particulars of the fourth quarter are yet unknown; and some of them may not be paid out of the Treasury, but from the accruing revenue. The last items are less in amount probably than the first, and the results may not be materially changed.

R & I Mickey [Ohio Statesman, Extra.] *Revolving*

PROCEEDINGS

OF THE

YOUNG MEN'S DEMOCRATIC STATE CONVENTION,

HELD IN COLUMBUS, OHIO,

ON THE

TWENTY-EIGHTH DAY OF JULY, 1842;

INCLUDING

AN ADDRESS TO THE PEOPLE OF OHIO.

COLUMBUS:

S. & M. H. MEDARY, PRINTERS.

1842

R. M. ...

PROCEEDINGS

OF THE

YOUNG MEN'S DEMOCRATIC STATE CONVENTION.

The Convention organized in the Theatre, on Thursday the 23th inst., by calling A. G. THURMAN, of Ross to the Chair, pro tem., and appointing H. H. ROBINSON, of Morgan, Secretary pro tem.

On motion of C. J. McNULTY,

A committee of the following gentlemen was appointed by the Convention, to draft an address and resolutions, and report them to this convention. T. J. Morgan of Columbiana, James Parker of Licking, J. K. Miller of Knox, A. Guthrie of Allen, Dr. Griswold of Pickaway, Mr. McKee of Ross, T. J. Orr of Crawford, W. Sawyer, and D. Smith of Montgomery, and Jno. E Dalton of Clinton.

On motion of T. J. MORGAN,

A committee of the following gentlemen was appointed, to report the names of suitable persons to fill permanently the offices of this convention.—D. Piatt of Hamilton, J. B. McFarland of Butler, Delazon Smith of Montgomery, T. J. S. Smith of Miami, J. D. Huffer of Allen, M. H. Medary of Franklin, Andrew H. Patterson of Delaware, Mr. Cox of Richland, F. J. Zimmerman of Knox, L. J. Haughey of Licking, Augustus Hall of Union, Willis Bragg of Hocking, J. D. Williamson of Warren, M. A. Daugherty of Fairfield, Alexander McGinnis of Ross, A. C. Medary of Clermont, S. R. Hosmer of Morgan, John Cradlebaugh, ——— Armstrong, Elias Gaver of Franklin, and J. B. Steadman of Henry.

By consent of the Convention,

MR. MORGAN, presented and read the following letter, addressed to that body, from Senator Allen, of Ohio, which was ordered to be published in the general proceedings:

WASHINGTON CITY, 23d July, 1842.

My Dear Sir:

Your obliging letter of the 8th instant, came to me several days since, and would have been immediately answered, but for the pressure of business with which I could not dispense.

I would be gratified, I assure you, were it in my power to attend, as you invite me, the young men's State convention on the 28th inst. I should be gratified for other reasons, but especially so, that I might there be able to take once more by the hand, hundreds of the noble spirits

whom it has been my pride to call personal, as well as political friends, and with many of whom I became first acquainted, when traversing the State to offer my aid in the contest of '38, and in the more terrible struggle of '40. But the madness of the dominant majority, seems likely to make this session of Congress as long, as it has already made it odious; and I have, therefore, no prospect of being present in person—in soul and in sentiment however, I shall be with the democracy then, and always whilst I have reason enough left to appreciate the value of freedom.

When the convention meets, it will find the federal government, for the first time, brought down by its own acts, in sixteen months of the profoundest peace, to a point of distress as low and as humiliating, as could well have resulted from the most protracted and disastrous war.—This great calamity is the first born offspring of federalism since it assumed the name of whiggery, and embodied its principles and its passions, in the form of a national administration.

For many years prior to 1840, the leaders of that party had been busily collecting into a common focus, all the diseased elements of society. In that year, they found the public mind fretful and restless. They found thousands discontented, whom the reaction of their own system of currency and credit had ruined. They found banks, bankruptcy, indolence, avarice, rapacity, impudence, venality, profligacy, cupidity and fraud,—all standing ready to league with ambition, for the power and plunder of the country. The league was formed, and every feeling of the human heart, that lay within the reach of terror or corruption, was then stimulated into revolt against the democratic party. The prices of all things were suddenly reduced, because the politicians had prompted the banks thus to aggravate the public distress, by the reduction of their discounts and circulation. The people were openly treated with contempt, by the brutality of the appeals made to their senses. Fraud and folly, the most criminal and ridiculous, were employed to distract their attention, bewilder their minds, and mislead their action. To affect their imaginations, every thing from the gorgeous ensign of the republic, with its stars and stripes streaming from its halyards, down to the skin of

the most loathsome skunk, was displayed to the popular eye. Globes and cabbins, banners and bushes, barrels and brutes, harrangue and music, revelry and feasting, the song and the bottle, imprecations, blasphemy, badges and buffoonery; all things that could minister to confusion, were made to chime in the general din. Reason was silenced in the turmoil, and truth, for once in our country, yielded its empire to falsehood, fraud and frivolity. If these leaders condescended for a moment to speak seriously to the people, it was but to denounce things as abuses which did not exist, and to make pledges of reform they never intended to fulfil. They deplored the scarcity of money they had themselves occasioned, and promised abundance on their accession to power. They condemned removal from office for the sake of opinion, and invoked Heaven to witness that this practice should cease. They promised the unfortunate a reparation of his fortunes—the laborer an increase of his wages—the farmer an addition to his prices—the hope less of every description the gratification of being soon surprised in their despondency, by the timely bounty of Government, to be distributed among them. To the nation at large they promised opulence and contentment, the restoration of law and order—the healing of all wounds—the restitution of all rights—the reparation of all wrongs—the cure of all ills—the remedy of all disorders—the observance of all obligations—the reduction of all burthens—economy in all things—security, plenty and happiness to all men. Thus was excited every passion of our nature, to its extreme limit, by all the means which the joint energies of ambition and rapacity could employ. Thus was the public heart torn and lacerated—the public mind stung and goaded—and thus was an administration, conducted by men of honor, ability and patriotism, undermined and overthrown by the most stupendous conspiracy that ever yet was leveled against the liberties of a free people.

What has been the result?

On the 4th of March 1841, the whole power of the country changed hands; Mr. Van Buren and his friends retired without a murmur, and gave place to Gen. Harrison and his. The event of the contest had for months been known, and from that moment, proscription for opinion, ceased to be a crime. Throughout the land one wild and universal cry was heard for the blood and bread of the Democrats in office.—Before he had left the banks of the Ohio, the President elect was beset by intruders without number, and importunities beyond the power of gratification. On his arrival in the Capital, he found it already besieged by thousands who had trooped together from all parts of the Union, to demand of him the spoils of a conquered country. There was an impatient ferocity in their looks, like that of a rapacious soldiery, when restrained for a moment from the sack and plunder of a subjugated city. He was a man scared with the infirmities of age—of a heart, I believe, that found no pleasure in the passion of revenge, and therefore, when left to himself, was disinclined to inflict without cause upon so many men, the miseries of a general removal. But neither his infirmities nor his feelings were respected by his victorious partizans; and on the

very first day of his power, within ten minutes after the official oath was administered, and whilst he was yet descending the eastern portico of the Capitol, his friends in the Senate, annulled him of the basis—he was expected to make in the execution of vengeance, and the distribution of spoil, by submitting in that body the following resolution:

“Resolved, That Blair and Rives be dismissed as printers of the Senate for the twenty-seventh Congress.”

On the seventh day, after this resolution was passed, and thus were these defenceless citizens, without a crime, or even a charge against them, but that of their opinions, deprived of their contract solemnly made with the Senate—their bond annulled, and all the expenses they had incurred to execute the work, thrown as a dead loss upon them. Here was an example the President was expected to follow; and from that day to the day of his final affliction, whether in his mansion or in his walks, in public or in private, under all circumstances, and at all times, the office seekers still clustered around him. It was not the plea of his infirmities, or that of his arduous duties, nor was it the lifting of his time-withered hand with a gesture to retire, that could remove the dense mass who pursued and importuned him. In spite of all these, they followed him up, swarming upon him still thicker every hour, until at last, like hornets, they stung him to death. Nor were the terrors of a death bed, or the solemn condition of an expiring man, sufficient to silence their clamors or stay for an instant the removals his subordinates were making in his name. For, upon the authority of that name, though insensible himself, and sinking to the grave, the more cruel of his counsellors continued to swing the axe of execution, as if determined that the last mortal sound which broke upon the ear of the dying President, should be, not the sound of prayer, or the filial sob, but the distressful scream of a victim struck down in his presence. And even after his death, and the translation of his remains from the Capital to the west, democrats were spurned from office, upon the sole allegation, that he, in his life, had intended their removal.

Such was the first result; and what was the next?

They had declared the country ruined by democratic councils. They had declared the single object of their own advent to be its immediate redemption. Yet, notwithstanding this, no sooner did they find themselves all powerful, and the people all powerless, than did they begin to disclose other objects, far different from that—objects, in their tendency, ruinous to every interest they had promised to foster, save the interest of the few against the rights of the many, and blasting to all the hopes they had labored to excite save the hopes of the rapacious, for the plunder of the Government. But to disclose such objects, was dangerous, if their execution was delayed. It was important, therefore, and well they knew it, to forge and rivet their system of measures, upon the country, whilst the public mind was yet feverish and flighty, from the inflammation of the recent struggle. Strike whilst the iron is hot! was the signal passed to his followers, by him who spoke for the whole, and by all was

obeyed. Let not the people cool down, but now while the glow and giddiness of triumph are upon them, let us rush to the Capital, and there, in the midst of the general glee, bind and clinch our system on the nation.

This, it seems, was the policy which prompted the convention of Congress, in extraordinary session, on the 31st of May, 1841.

On that day the extra session commenced, and then it was that those measures were proposed, which express the real motives of the leaders, and which have brought the Government and the country to their present condition. They were then victors over the whole field of power. With the Executive—with a majority, overwhelming, in both branches of Congress, there was nothing to restrain the full sway of their pleasure or their principles. This they knew, and this they felt; and therefore it was, that their chief in the Senate, with all the swaggering indelicacy of one unaccustomed to success, openly proclaimed to the democracy of the body, that we had been condemned by the judgment of the people—had been brought together only for execution; and that all we uttered was to be heard as nothing, but the complaints of malefactors, on their way to the scaffold. Such was the delirium of meritless triumph and vulgar revenge, with which the federalists began their work, and without preparing any thing in its stead, laid hold upon the Sub-Treasury, and tore it to the ground. Thus, did these infatuated men—they who had most falsely charged the democratic party with having committed the public treasure to the sole custody of the Executive—with having united, in his person, both the sword and the purse—thus did they, among the very first acts of their power, do, themselves, the very same thing so unjustly ascribed to others, by the repeal of the only law which placed the money of the nation out of the reach of the President. No bank, no law, no resolution, had they passed, to take the place of the act repealed. Nor is there, to this day, any such provision, or any such likely to be, while the present Congress remains.

And why is this? If the majority cannot get the fiscality they desire, can they not pass an act to secure the revenue? or do they intend to have it as it is, exposed to the hazard of official pillage, in order to try, once more, the coercion of the people into a national bank?

These men came into power, as we were told, upon the holy mission of guarding the sanctity of the constitution, the law, and all human obligations. So pious was their reverence for the observance of contracts, that some of their number were willing that this government, though pennyless itself and plunging in debt, should assume the debts of the states, rather than witness their repudiation. Nevertheless, these very same men, the chosen and the anointed guardians of all things sacred, by one general act, with the name of bankruptcy for its caption, repudiated the debts of the larger debtors throughout the entire nation. By his single oath, they allowed the interested party, if his debts were large and his means considerable, to cancel his bond, and thus to ruin the friend or the neighbor, who, as creditor or security, had confided in his honor. I say, if the debts were large, because if small,

and the debtor poor, the expense of the process makes the law unavailable, and therefore, a nullity to him. To execute the act, the Federal judiciary passes over the constitution, usurps the rightful jurisdiction of the local courts, defies and spurns the sovereignty of the states: But no matter for that—the greater bankrupts, the magnificent millionaires of the paper system, were brought to bankruptcy, not by misfortune in legitimate trade—not by accident beyond the power of discretion, but by the eagerness of an avarice seeking to gratify itself in the gambings of speculation, and then wasting, in splendid profusion, all that the fortune of the hazard placed within its reach. As men already ruined and desperate, they had entered the contest of '40, with the pledge of the federalists, that their debts should be treated as gambling obligations and sponged by the law and an oath. And this pledge alone, of the many made, has federalism faithfully fulfilled.

Economy; let it be remembered, had been promised as a policy proper in itself, and especially so, in the then necessitous state of the treasury. And yet by this very convention of congress, at a time not appointed by the law, *three hundred and ninety one thousand dollars* were wasted in the payment of its members, and to the expenses of the session.

Twenty five thousand dollars were next bestowed as a gratuity, upon the widow of the late President, and this without any request from her, or necessity found in her pecuniary circumstances. So far from any such necessity then existing or likely to exist, it was a fact well known and declared at the time, that the private fortune of that respectable lady, placed her above the humility of asking such favors, from any quarter whatever. Still the money was voted from the treasury as if taxes were nothing to the people, and waste, the duty of the government.

At its last session which closed on the 4th of March, 1841, the preceeding congress had made all the usual and needful appropriations, and provided the means for the public service of the ensuing year. But regardless of this—regardless alike of the condition of the country and of their own promises, so solemnly given, the ruling majority in the present congress, proceeded but three months after, and before one third of those appropriations were expended, to appropriate, for the service of the very same year, an addition of *five millions and forty three thousand dollars*. The name of economy was no longer heard, but when pronounced by the democrats, to remind the federalists of what they had pledged, and to rebuke them for what they were about. Heedless of this, the leaders, who projected these measures, seemed but the more diligent to discover every excuse for extravagance, that could find impunity in the general pretext of the public good.

But those who expend, must also accumulate; and in the case of government, taxes and loans are the chief sources of supply. Hence it was, that after, by this additional expenditure, they had effectually picked the very bones of the treasury, they next turned their attention to the increase of taxes. Here was a nerve to be touched, that ran through the body of the peo-

ple, and, therefore, it was important to prepare them for the shock, by the soothing process of distribution. They had left in the coffers of the government, not an unappropriated dollar. The ordinary income was short of the extraordinary outlay. Taxes, had they been sufficient in amount, came in too tardily to meet the rapidity of expenditure, & to borrow became, consequently, the only immediate resource. This state of things was known and acknowledged, because brought about by the ruling majority. What then did they do? In aggravation of these evils, and, as if totally bent upon the utter bankruptcy and ruin of the government confided to their care, they proceeded to snatch every dollar accruing to the treasury from the public domain, and to cast it away in pittances to the states. No consciousness of its folly—no barrier in the constitution—no “beggarly account of empty boxes,” from the treasury department—no terrors of a national debt—could possibly arrest them in this. Nor was the injustice of augmenting taxes, when the means of the people to pay, were diminishing, sufficient to retard, much less to prevent this profligate waste of the nation's resources. Distribute they would, and that too, at the hazard of the public execration. They confided in the craft of the scheme and were willing to risk its exposure. One dollar was to be given by the government through the states, to the people, and for that, three paid back, by the people, through the custom house, to the government. The people would see and might be tempted, by the amount they received; that which they paid, was to be taken from them, in the dark and at a distance. The first process was to be direct and visible—the second circuitous and obscure, and it was upon this obscurity, that the federalists relied, for impunity against detection in the imposture. The act of distribution was therefore passed, and then in an instant after, the same men who passed it, urged that very act, by which the land revenue was thus excluded from the treasury, as an additional reason why the taxes upon the people, should be immediately increased. A tax of *six millions of dollars* was accordingly added, in the form of tariff duties, to the burthens before imposed upon the nation.

But in view of the lost revenue distributed—the vast appropriations already made, and those intended for the future, even this increase of taxes would prove inadequate. A loan of *twelve millions of dollars* was, therefore, authorized upon the credit of the people and the pledge of their farms and workshops, for its payment, principal and interest. This it was supposed would, together with the taxes and the treasury notes already afloat, afford a fund sufficient to feed for the present, even the extravagance of the ruling power. A national debt would, it was true, with all its evils, be the inevitable consequence. So much the better, for such a debt, instead of being a reason with federalists why they should economise the public income, has ever been, and yet is, with them, of all reasons the very strongest, for the most boundless prodigality of expenditure. And therefore, with this inflated affection for a public debt, they were not to be satisfied with the *twelve million* loan as a beginning; but, on the contrary, they proceeded immediately to add *sixteen millions* to that—the last being intended as the basement stock of the *Fiscality*—a national bank more hideous, infinitely in all its features, than was the former institution,

whose conduct, decay and dissolution have appalled the world—have doomed to penury so many families and imparted so much impurity to the social and political morals of the country.

Nature never abandons men absolutely to their own indiscretions; for even in the gross confusion of public affairs, she often interposes her silent authority to check the dominant power in a state, whenever it threatens to inflict a degree of misery she never intended mankind should endure—out of the bosom of the whig party therefore, the veto sprang to strike down the forth-coming monster whilst yet in its feebly condition. The presiding magistrate had received the sceptre from the hands of that party, but not upon the condition of perjury and dishonour. He felt that he owed some allegiance to the constitution of his country, and as it was the constitutional veto which alone intercepted the bank and the debt, the majority desired, they resolved to attack the constitution itself, and the President who had dared to support it—thus far upon that point, he still stands firm. How long the constitution shall stand, remains for the people and the states to determine. It is enough that the nation now knows, full well, the designs of the Federal leaders, their principles—their measures—the measure of their ambition and profligacy as thus displayed in an extra session of three months and fourteen days duration and which closed its memorable labors on the 13th of September 1841.

Congress commenced its present session on the 6th of December 1841, and up to the date of this letter, has continued, without intermission, for seven months and seventeen days. It will adjourn some time or other, but not I presume, until the master majority shall have, more effectually, if that be possible, exhausted their own passions and the patience of the people, as well as the resources and credit of the Government. When they assembled, that silent but thorough revolution, which is now perfected, in the public mind, had then greatly advanced, as was visible in the popular elections. Upon almost every battle field where in '40, they triumphed, they had, or have since been routed by a people indignant at having been so shamefully betrayed. Full one half of their numbers, both in the Senate and in the House, now find themselves unsupported—their principles and their measures sternly condemned by the States and districts that sent them here. In federalism, however, this has produced no change. From the beginning to the present, it has continued the policy of the extra session; and yet continues to pursue that policy, with all the preternatural energy of despair; as though resolved during the brief futurity of its power, to stamp upon the country, as deeply as possible, the dark impress of its baleful genius. With these views the party have proceeded. They have authorized an additional loan of *five millions of dollars*. They have added *five millions* more to the treasury notes previously issued. But these, with those of the extra session, are still not enough—and therefore, another tariff has passed the House and will as certainly pass the Senate, imposing *thirteen millions* more of taxes upon the country. Thus will every article from abroad—all things that minister to the wants of men—tea, coffee—whatever is most needful to the poorest citizen, each one and all, now yield its tribute, to fill yet fuller, the already distended maw of insatiate power.

And yet, after all this—loans, taxes, and treasury notes—how stands the treasury itself? Still empty! How stands the public credit—the credit of this great government—the credit that never once was sullied when democracy presided—how stands it now? Down, and still hopelessly sinking down lower, by far, than that of any respectable farmer in Ohio—treasury notes, if not at interest, depreciated with no prospect of rising—the government drafts

daily protested and dishonored—its bonds hawked about in the market and returned without a bidder, and the government every where, and in all forms, treated as an insolvent.

Appropriations, nevertheless, go on as profusely as ever, quite as much so, as though the treasury were full, and absolutely exhaustless. For, from the amount already passed, and that pending with the certainty of passage, it is manifest that this will at the end of the session, bear its full and just proportion to all the other limbs of their monstrous system.

Claims, some the most base and others the most baseless, are now presented against the government, and treated with the serious respect due only to the just demands of the honest citizen. The holders of such claims seem to have discovered a mutual sympathy between the majority of this Congress and themselves. They repair to the capitol with the instinct that directs the vulture to the carcass.

The militia of Massachusetts—they, the very same who, during the late war, when the country was invaded and they ordered by the President into the public service, positively refused obedience, refused to pass the line of their state—refused to pull a trigger in the defence of the republic—they who by that very refusal, encouraged the British, allowed them a lodgment in a Massachusetts seaport—they who trafficked with, instead of fighting, the public enemy—they have, nevertheless, lived long enough to laugh in secret at an American Senate, for having, twenty-nine years after, voted to them *the third of a million* from the national treasury, for *these their services in the late war*. These men, who in every other country would have been treated as traitors, are, in this, about to be paid in money for their treason, by the very government they betrayed.

Next comes the heirs of Gen. Hull, with their demand for the salary of their father, as Governor of the territory of Michigan, *during the very time, and for no other time*, that the territory was in possession of the British—surrendered to them by *Hull himself*, together with the gallant army from Ohio—a crime for which he was *then* under arrest, and afterwards condemned by the law, to *death, as a traitor*. Yet this claim, the very presentation of which was an outrage to every American citizen, and especially so to the citizens of Ohio, whose heroic people had thus been, by this very man, so basely surrendered to the enemy, as prisoners of war—this claim found favor in a whig committee in the Senate, was advocated upon the floor, and defeated only because *some* of that party, and all the democrats, were ashamed to dishonor the body by its passage.

But economy—justice—federal economy and justice, were with that very same committee, found a sufficient bar to the repayment of the fine imposed by a vindictive judge, on Andrew Jackson, for having expelled traitors from his camp, during his glorious defence of Orleans.

If these things were not on record, no individual should state them, as the word of no man would alone be deemed, by the country, conclusive of facts so derogatory to the character of the American Congress. Yet facts they are, and that of record too, whosoever may be injured by them.

Amidst the systematic policy of public ruin, which this Congress has pursued, it has introduced for the first time, a practice in the highest degree dangerous to the liberties of the people. I allude to the practice of the House in gagging the minority, and that of the Senate, in veiling from the public eye, the real condition of the Government. In both, the democratic minorities are powerless—the federal majorities direct all action—hurry or retard all business, at pleasure. It is in the House that the great money bills chiefly originate. There they have been stud-

ously kept back for month after month. In the mean time, or an excuse for delay, debate has been encouraged on matters of indifference. Then all things being ready, those great measures have been suddenly brought up, and after the most trivial discussion, the gag applied and the voice silenced under the ridiculous pretext of a want of time. On such occasions the democracy are hushed, not by the previous question, but a stern resolution which seals the lips and forces through the measure, without consideration, however important its provisions, and without the exposure of its enormities, though destructive it may be, to the best interests of the country. Thus have millions been appropriated, and taxes by the million voted in the very last month of our seven month's session without one single man of the minority in the House having had time enough allowed him to expose the impolicy or enormity of such measures. But in matters of no moment, no gag is applied, because, in these the freedom of speech endangers neither corruption nor despotism. To silence the representative is, to spike the ears of the people. It is both their right, and his, that he should speak. It is theirs, because it is their business he is doing. It is his, because he is responsible for what he does. Their safety consists in making him explain the reason of his votes—his, in being able to do so. Silence and secrecy are to despotism, as are speech and publicity to freedom—the two strongest elements of its power and only guardians of its safety. It is for these reasons that I regret the closing of its doors, by the Senate, in the matter of nominations—a practice indefensible by argument and excused only by its antiquity. But to suppress resolutions of enquiry, seeking from the Treasury Department the facts of its actual condition—and that, too, at a time when money measures of the first moment, tax, loan, and appropriation bills are all pending; and all relating directly to those very facts—to suppress such resolutions, as did the federal majority in the Senate, is nothing less than to compel men to legislate in the absence of all reasons for the votes they give, and to withhold from the people things of the most serious import to them. Those who hide will excite suspicion—and this practice of suppressing facts, had it been, by any other Congress, adopted, would have attracted the attention and incurred the frown of the country. But so many are the objects of just alarm with which this Congress has filled the public mind—that the people very naturally feel more solicitude to see its session brought to a close and the evils it still threatens thus arrested, than to recount those which it has already irretrievably inflicted upon the nation.

There are three great measures—two of Congress and one of the Executive—the "Apportionment bill"—that for "Remedial justice"—and the interposition in the affairs of Rhode Island each as I believe, infracting the constitution in several particulars, and invading alike the sovereignty of the States and of the people. They are measures of vast magnitude, and threaten to their authors, a terrible futurity. They are the iron frame of a despotic system, never before set up in this country—a system which, if allowed to stand, will prove a Bastille to the liberties of the nation. But such measures excite reflections that swell beyond the limits of a letter, and I therefore, name only to mark them for the future.

For sixteen months and nineteen days has this Government been confided to the federal party.—During every hour of that time, save five months and nineteen days, has a federal Congress been in session—and here still it is, moping and feeling about amid the ruins itself has made, to find some other object of waste or destruction. In the mean time the democratic minorities in the two Houses, have done all that men could do, who were in the power

of others, to mitigate the evils the majority were entailing upon the country. But being powerless as to numbers, they could effect but little, by argument or remonstrance addressed to men who would listen to neither reason nor experience.

You must, my dear sir, excuse the length of this letter, and be assured that I am, in great sincerity,

Your friend,

W. ALLEN.

Maj. T. J. MORGAN, Chairman of the Young Men's State Central Committee.

Mr. Brough presented and read the following letter from Senator Tappan, which was also, on motion, ordered to be published:

WASHINGTON CITY, July 15, 1842.

Dear Sir:—In declining to accept your kind invitation to attend the proposed convention of the democratic young men of Ohio at Columbus, on the 28th instant, I assure you that it would give me great pleasure to be with you, and that I would not hesitate to join you on that occasion, if a duo regard to my duties here would permit so long an absence from my post at this most interesting period of the session.

I look with strong hope and faith to the young men of the nation, and foremost to the young men of Ohio, to carry forward those improvements now in progress in our social organization—improvements which shall secure for the future perfect equality of rights and privileges to every citizen. A community may be free from foreign dominion, and yet suffer all the evils of domestic tyranny and oppression, if they permit privileged orders to exist amongst them; for exclusive advantages in government cannot be conceded to the few, without taking from the many their just rights; and all having an equal right, by the laws of nature, to seek the means of happiness in the acquisition or pursuit of wealth or fame, or civil distinction, it would be hostile to the soundest principles of social order, for the law to interfere in such pursuits in favor of any class or section of the community.

Hitherto much of individual selfishness has governed the legislation of states, but a brighter day seems dawning in Ohio, and her young men are now invited, by every consideration of benevolence and patriotism, to make their native state a more perfect example of freedom and equality than the world has yet seen. I pray you let us old men, as we shake off this mortal coil, have the well founded belief, that we are leaving the principles of enlightened freedom in safe and better hands; that legislation is ceasing to be the instrument of individual cupidity, and is becoming the nursing mother of equality and justice.

That your meeting may be satisfactory to yourselves, in advancing the permanent welfare and honor of the state, is the wish of

Your sincere friend,

BENJ. TAPPAN.

THOMAS J. MORGAN Esq. *Chairman, &c.*

On motion of Mr. Flood, of Licking, the following gentlemen were appointed to wait on the Hon. WILSON SHANNON, who was present in the city, and in the name of the convention, request his attendance with them; and to address them upon the general questions of the

day. In accordance with that motion, the President appointed Messrs. Flood, of Licking, Ewing, of Hamilton, Hamm, of Fairfield, Gephart and Cradelbaugh, of Pickaway.

On motion, the convention adjourned till 2 o'clock, P. M.

2 o'CLOCK, P. M.

The Convention met, according to adjournment.

Mr. Piatt, of Hamilton, from the committee to select permanent officers for the convention, presented the following, which were accepted:

For President,

GEO. W. MANYPENNY, of Muskingum Co.

For Vice Presidents,

1. DAVID T. DISNEY, of Hamilton Co.
2. WILLIAM IRVIN, of Fairfield Co.
3. JAMES TAYLOR, of Putnam Co.
4. JOHN YONTZ, of Licking Co.
5. A. C. MEDARY, of Clermont Co.
6. ROBERT HAZELTINE, of Preble Co.
7. WILLIAM D. TIDBALL, of Richland Co.
8. RICHARD WILSON, of Marion Co.
9. WILLIAM JONES, of Ross Co.
10. A. HALL, of Union Co.
11. D. SMITH, of Montgomery, Co.
12. WM. BEAM, of Knox Co.
13. T. J. ORR, of Crawford, Co.
14. JAMES SHEWARD, of Muskingum Co.
15. J. D. WILLIAMSON, of Warren Co.
16. A. DELAPLAIN, of Pickaway Co.
17. E. RAFFENSPERGER, of Stark Co.
18. E. GAYER, of Franklin Co.
19. HIRAM B. SMITH, of Jefferson Co.
20. JAMES BLAIR, of Shelby Co.
21. ALEXANDER MCGINNIS, of Ross, Co.
22. T. J. S. SMITH, of Miami Co.
23. LEVI D. MERIDETH, of Delaware Co.

For Secretaries.

H. H. Robinson, of Morgan Co.
W. F. Daly, of Ross Co.
Alfred McVeigh, of Fairfield Co.
C. B. Flood, of Licking Co.
Abelard Guthrie, of Allen Co.
D. B. White, of Franklin Co.

Upon taking the Chair, Col Many penny addressed the assembly, as follows:

Gentlemen of the Convention:

The post which you have done me the honor to assign me, of presiding over your deliberations, was wholly unexpected, and I approach its duties with great diffidence, being totally ignorant of parliamentary rules. I am consoled however in the reflection, that for an errors I may commit, I may with confidence throw myself on your kind indulgence, believing that you will attribute them to the head and not the heart.

You are assembled in convention, gentlemen, as the representatives of the democratic young men of the State of Ohio, and embodying, as you doubtless do, their sentiments and views, I flatter myself that your deliberations will be characterised with that union, harmony and good feeling, which the great principles of Democracy teach.

That such will be your action, and that results beneficial to the Democratic cause, will

grow out of our proceedings, I cannot permit myself to doubt. You will please, gentlemen, to accept my thanks for the honor you have conferred upon me.

The committee appointed to wait upon, and request the attendance of Governor Shannon, returned, and by their chairman informed the convention, that Wilson Shannon, the Democratic candidate for Governor, was present; who, after an enthusiastic call, appeared before the assembly, and in a speech of considerable length, eloquent, spirited and able, thanked the convention for the strong evidence of their approbation which greeted his reception, and with that candor and ingenuity which characterizes his addresses, unfolded to the view of all present, the deplorable condition of the country under the party in power—exposed the paralyzing effects of a high tariff upon the general prosperity of the country, at some length reviewed the past and present condition of our Banking institutions, and their effects upon the people, in producing that distress which is prevalent in all quarters of Ohio, and closed with a brief reference to national politics.

Mr. MORGAN, of Columbiana, from the committee to prepare an address to the democratic young men of Ohio, presented, and read the following, which was unanimously adopted.

ADDRESS.

Fellow-citizens:—A convention of a portion of the democratic young men of Ohio, ever alive to the duty of performing well their part in whatever relates to the best interests of their common country, have met to deliberate upon the various subjects connected with the prosperity of the nation, and devise the best means of securing a re-establishment of republican principles throughout our state and union. In effecting this end, the experience of the past will prove that a high and arduous duty devolves upon the democracy of Ohio, and upon no portion of it with more sacredness than its junior members.—The veteran who has fought the enemy of his country in the strife of battle, and afterwards confronted its intestine foes at the ballot box, must soon rest from his labors and cease to be effected, for weal or woe, by earthly legislation. His place is to be filled by those who are yet to experience, for a long series of years, the consequences of good or bad legislation, and either vigilantly defend the institutions framed by republican hands, or tamely yield to their overthrow. That the democratic young men of Ohio will do their duty, it would be unpardonable to doubt. The history of the past proves that in the hour of trial they have been foremost in the fight, and amongst the last to abandon the field of conflict.—That such will continue to be their character, we doubt not the ballot box in October next will amply testify.

In glancing over the prospect around us—over the field in which our opponents are arrayed, and at the measures by which they attempt to overcome the democracy of the country, how striking is the change since last we assembled in convention! *Then*, the government, in comparatively a prosperous condition, is *now* reduced to beggary and destitution—*Then*, under the guidance of a tried democrat—*now* under the exclusive control of a whig President—a whig Cabinet—a whig Congress. *Then*, with a temporary issue of five millions of treasury notes; *now* weighed down with a permanent debt of twenty-five millions. *Then*, with unity and tranquility in her national councils—*now* distracted, turbulent

and revengeful. *Then*, with a treasury under the control of law—*now* at the mercy of the Executive. *Then*, with a Congress engaged in legislating for the national welfare—*now* engrossed in promoting factious views and “heading” the President of their choice. *Then*, the country agitated from one extreme to the other, in opposition to an administration rendered odious by misrepresentation—*now* “the universal whig party” warring against its own members and staggering under the weight of popular indignation.

Such is a meagre outline of the comparative situation of the country in 1840, and what it now is. A hurricane of popular feeling, ingeniously inflamed to a pitch of desperation, hurried the senses of the people into an intemperate reliance upon the efficacy of “a change” of rulers. The war note of preparation had no sooner been sounded than a hundred thousand devices to deceive and to allure were brought forth, and the frolic, the fandango, the song and banjo—the appeal to passion and indulgence of appetite, usurped the throne of reason. The people (suffering under an evil which they were temporarily persuaded to think was not attributable to an inflated paper currency,) were hurried along from one scene of indulgence to another—from a first exhibition of popular mummery to a second and a third—and from a bare suspicion that “a change” might do good, to a firm belief that the vast catalogue of federal promises would be realized by the overthrow of the late administration, and that the government had become a republic but in name! Whilst all this was progressing, *capital* dreamed of more profitable investments under a federal administration—disappointed democrats, and whig demagogues saw an opening for their personal ambition—bankers looked to “a change” for their own best interests—and all, united with a hundred other selfish factions, contributed from the stump and the pocket, in alarming their deluded followers into a belief that their substance would be forced from them in the shape of a tax upon their chickens—that their liberties were to be overthrown by a ruthless standing army of 200,000 men—that the wages of labor were to be reduced to a pittance—that the President lived in a gold palace and was fed from gold plates—these and a hundred other unfounded fabrications, as destitute of truth as their propagators were devoid of honor, mainly constituted the stock of whig arguments against the late administration. The country at large, and especially the deluded men, who, under the influence of outward pomp and parade, and whilst sober thought was overcome by the encroachments of revel and debauchery, yielded their political integrity, have learned experimentally, whether whig performances are the same as whig promises—whether Van Buren times could not become worse under a change of administration—whether national prosperity has returned—whether money is plenty, and the nation out of debt—in fine, whether “a change” has indeed made the people more prosperous and happy, or the nation more powerful and independent.

Nearly two years have already elapsed since the triumph of the federal party at the polls, and the various departments of government for *seventeen months* have been under the absolute control of a Chief Magistrate selected by themselves, surrounded by a Congress having a whig majority of *ten* in one house, and *forty* odd in the other. In a speech of an individual (Mr CLAY, at Hanover, Va.—June 27, 1840, who, if not the most popular, was certainly one of the most powerful agents in bringing about “a change” of rulers, the people were assured that the defeat of Mr. Van Buren, and the fact of the election of his successor, *alone*, “REGARDLESS OF THE MEASURES OF HIS ADMINISTRATION” would contribute powerfully to the happiness of the country. And it was confidently promised by the same distinguished

leader, on the same occasion, that upon the success of the whig party, "CONFIDENCE would immediately revive—CREDIT be restored—ACTIVE BUSINESS return, and the PRICES OF PRODUCTS RISE." Whether all these predictions, or whether any of them have been fulfilled, the whole country is amply able to testify.—A whig Congress, with a commanding majority in either branch, has been in session more than *eleven* months out of the *seventeen* which have passed since the 4th of March, 1841; and yet, with the Executive, Judicial and Legislative branches of government in their own hands, the promises made to the people of increased "individual and national prosperity," have in no instance been fulfilled.

An extra session of Congress, held at a cost to the people of more than half a million—under the dictation and control of the individual who, one year before, had been so lavish in his promises, succeeded, after three months devoted to debate, in abstracting three millions of land revenue from the national treasury already on the verge of insolvency, and legislating it into the pockets of the states. At the same session, by the same political leaders \$500,000.000 of debts, contracted with the people by splendid bankrupts and paper money speculators, were cancelled by a single act of legislation. These two acts, with others of a similar caste, constituted the grand measures of whig reform enacted at the disastrous extra session of one hundred days, and the proposed repeal of which, during the past winter, has arrayed their former friends in open warfare. Since December last, at an expense of more than a *million and a half* of money, the same triumphant "retrenchment and reform" political leaders have for *EIGHT MONTHS* been assembled in Congress, debating questions not of public merit, but having in view the elevation of rival candidates for the Presidency, and up to the latest report of their doings, had refused to consider a proposition fixing upon a day of adjournment!

In the midst of all the disappointment and ill-feeling that have resulted from blighted hopes and pledges that remain unredeemed, it is not surprising that the rival parties which compose the discordant elements of the whig party, should seek to skulk responsibility, and rest the blame one upon the other. But it is alike hopeless and dishonest to attempt longer to persuade a deceived and deluded people that the incorporation of a United States Bank, under any guise or name, would "revive confidence" in the broken faith and violated pledges of a faithless political party. And it is equally dishonest, when banking institutions, State and national, have crumbled, one after another, under the accumulated weight of their own corruption, to endeavor to lead the public mind into a belief that the great remedy for all public and individual evils would be found in a high tariff upon foreign importations. Both attempts carry with them an insult to the common sense of the community, and are at war with candor, and the convictions which sound reason, strengthened by experience, thoroughly enforce. To a reliance upon fictitious capital, (or paper money issued, without an equivalent basis in gold and silver,) is the United States to attribute *four-fifths* of the periodical distresses which have befallen her in thirty years. To this cause, and to it alone, (as was testified in congress at the time, by Messrs CLAY, TYLER and WEBSTER,) can be ascribed the stagnation of business, the want, the depreciation in the value of property, and the general distress, which pervaded the entire Union, from 1819 till 1823. At later periods, and more especially in 1834 and 1837, the panic, disaster and distress which overwhelmed large portions of the community, have still left a hundred thousand witnesses to testify to the folly of yielding to the temptations of paper money, or relying upon fictitious capital. A myriad of honest men, allured by the example of those who were both

bankers and speculators, yielded at a fatal moment—thought in a few months to have amassed a fortune in the wild paper inducing speculations of the day, but were reduced to beggary and want, to idleness and disappointment, by the fatal reliance they had placed upon *appearance*, instead of *reality*.—What has been the history of the past, must, under similar circumstances, be the experience of the future. PAPER MONEY adds nothing to the wealth of a nation, nor can it permanently relieve the necessities of a people. Sound policy allows its use alone for commercial purposes, and that, not because there is an insufficiency of gold and silver to afford the world a currency, but by reason of its convenience in being transferred from one point to another. The history of the banking institutions of the Union incontestably proves that where *one* of them has been conducted in view of the public good, *NINETY* and *NINE* have manifested a contempt for statute law—a disregard of right—a carelessness for the public weal, and a scorn for the law of public opinion.—Bankers and their dependants have set up for themselves a code of honor, honesty and morality, peculiar to paper money corporations. An act that would consign a private individual, to perpetual infamy, is in the dictionary of the banking-house, but a better evidence of the actor's talent as a *financier*. The incorporated banker who robs community under the protection of chartered privilege, sees the notes to which his own name is attached, and which, over that same name, he has promised to redeem, hawked about the streets, and sold at fifty, thirty, and twenty per cent. on the dollar, and yet assumes to himself the character of an honest man. Whilst the widow and her poverty stricken children, with an allowance of fifty dollars to pass through a winter's wants, are suddenly reduced by a "suspension," to a dependance upon fifty per cent. of that amount, the brazen-faced dignitaries who have reduced the widow's pittance to half its value, roll along in their gaiety—riot in their ill-gotten gains, and triumph in the thought of the irresponsibility of their robbery!

Such is but an imperfect picture of the fruits of a reliance upon paper currency. The bitter cup of national and individual experience has taught thousands, to their sorrow, that paper is not money—that to rely upon its permanent soundness, is an unpardonable act of madness sure to be rewarded by sorrow. The blind age of an exclusive paper currency has now happily but few open advocates. The crafty banker and wily speculator, whose interests are most advanced when most paper currency is in circulation, have learned to conceal their real wishes, and at last avow their friendship for a mixed currency. But the bait is too apparent—the deceit too glaring to meet with success.

From this subject, let us hasten to the consideration of another, to which the attention of the community has been directed, by the clamor of *capital*, and the declamation of demagogues. In former years, the country, it was alleged by the political croakers of the day, could alone be saved from ruin by the speedy re-incorporation of a National Bank. The fatal and astounding catastrophe which marked the closing years of the late U. S. Bank, and brought to light the enormities which secretly marked its existence, have driven the federal party to another hobby, upon which they hope to ride again into power, and incidentally repay the capitalists of the country all the sacrifices which they may make in effecting the desired end. To relieve the country and afford individual and national prosperity, it is alleged that Congress must pass

A PROTECTIVE TARIFF.

The advocates of this measure, urge its adoption,
1st. Because it will protect American Industry;
2d. Because it will prevent the country from be-

ing drained of its specie;

3d. Because it is required, in self-defence, and in retaliation of the corn laws of Great Britain;

4th. Because it will afford, us a market for our surplus produce; and

5th. Because it will create a demand for labor.

In considering the first reason assigned in favor of high duties on foreign importations, it seems strange—nay, it is amazing that, at this advanced era of political science, a great political party should assert that a tariff operates as a "protection" to "American Industry." If it could be proven that the owners of our noble mines of iron, lead and coal, and the magnificent capitalists who control the vast manufacturing establishments of New England, constitute of themselves, what could be correctly called "American Industry,"—then, the fact that a tariff law (tending to exclude the products of foreign countries from competition with our own,) protected "American Industry" would not be denied.—But such is not the case. "American Industry" is not truly composed of *inanimate mines*, nor of wealthy capitalist *inoperatives*; but, on the contrary, it may be found spread over the broad fields and fruitful valleys of this vast republic; it may be witnessed in the work-shops, and seen on the highways, which, throughout the world, give a name for industry to the American agriculturalist and mechanic. In this land of republican equality, it is the pride and boast of patriotic bosoms, that the labor, skill, and mechanism of honest hands, and poor pockets, are fully as worthy of the protection of Government, as the *inanimate wealth* of the manufacturing capitalist, or the mines of him whom fortune has already favored beyond the lot of his fellow man. If partiality should ever be admitted into the legislation of a republican government, the genius of our institutions would require that the favoritism should be shown to that portion of the people who are most in need of public bounty. The lordly New England manufacturer—already at ease, surrounded by luxury and wealth, has no claims over the farmer and mechanic, upon the munificence of a republican legislature; his hands are never soiled by labor, nor his sleeves rolled up for toil; his deeds are for himself: his patriotism looks first to his pocket, and his outlays go for foreign luxuries upon the importation of which he would seek no tariff.

But it is said that a protective tariff will keep a *specie currency* in our country. No position, perhaps, which is assumed in demonstrating the necessity of a tariff is more unsupported by the experience of the nation. The records of the Treasury Department exhibit the facts and figures necessary to settle the validity of the argument. By those records, it is ascertained that the amounts of specie stated below, were respectively *imported* and *exported* during the years opposite to which they are placed:

Years.	Imports.	Exports.
1829	\$7,403,612	\$4,924,020
1830	8,155,964	2,178,773
1831	7,305,945	9,014,931
1832	5,907,504	5,656,540
	\$28,773,025	\$21,774,264—6,998,761
1833	7,070,368	2,241,859
1834	17,911,632	1,676,258
1835	13,131,447	6,477,775
1836	13,400,881	4,324,336
1837	10,516,414	4,692,730
1838	17,747,116	3,509,046
1839	5,574,263	8,775,443
1840	8,892,813	8,477,014
1841	4,908,408	10,020,044

\$99,143,342 \$50,133,503—49,009,837

Thus it will be seen that in the *four* years during which the high tariff enacted in 1828, continued to

exist, the amount of gold and silver imported into the United States, exceeded the amount exported only in the aggregate sum of \$6,998,761, being less than *two millions* annually; and that in the subsequent *nine* years, from 1833 till 1841 inclusive, (the compromise act being all the while in operation,) the excess of importations over exportations, rose to the enormous sum of \$49,000,000, being *five and a half millions* annually. These results would sufficiently establish the fallacy of the argument urged by the advocates of a high tariff; but it may well be remarked, in connection with the subject, that the United States are indebted to the principles of free trade, for *nine-tenths* of the specie which has ever been found within her borders. The statistics of the country show that the U. S. Mint at Philadelphia, with its two southern branches, since the date of their original creation up to the present hour, have not coined a *one-hundredth* portion of the specie currency with which the people of the Union have been blessed.—Under the policy of the democratic administrations of Jackson and Van Buren, (from 1829 till 1840,) a surplus of more than FORTY-SIX MILLIONS of gold and silver have been brought from foreign countries to the United States, through the instrumentality of trade. And that amount is greater than the united internal resources of the Union have produced since the year 1821.

It is urged, however, that the United States should enact a protective tariff as a means of self-defence and *retaliation* against the corn laws of Great Britain. This argument is neither sustained by sound policy nor would its operation produce the ostensible design. Every candid mind must acknowledge that the tariff upon *bread-stuffs* by which Great Britain "protects" her landed capitalists, starves her poor, and discourages the importation of American produce, it must be admitted, we say, that the consequent injury to this country falls directly upon the people of Ohio and other *grain-growing* states. Now, in what manner would a retaliatory tariff operate upon the *grain-growing* people of our state? Its operation is plain and its consequences of easy illustration; To *punish* Great Britain and "protect" Ohio industry, it is proposed to make the English manufacturers (through the medium of a tariff,) sell their goods to the people of Ohio at a higher rate than they would otherwise have been asked, and at the same time enable the New England manufacturer to raise his prices in a corresponding degree! Thus it will be seen that instead of a retaliatory tariff benefiting the people whose sales have been injured by corn-laws, they are made to pay a higher price for the articles of their consumption, and this, forsooth, is called *protecting* their industry and a measure of self-defence! To illustrate the inutility of a tariff by a case of easy occurrence: let an Ohio farmer with 500 bushels of wheat start for the sea-board, embark for a foreign port, each bushel of his grain worth \$100 before entry, pay to a foreign custom house 20 per cent. tariff, exchange his grain for *six hundred dollars* worth of British manufactures, re-embark for the United States with his cargo, would he be injured or benefitted by a tariff imposed upon the commodity for which he had bartered his grain and in which the profits of a year's labor were invested?

But the advocates of a protective tariff, in order to induce the agriculturalist to agree to the passage of a tariff, by which he will be required to pay a heavy percentage to the support of the manufacturer, allege that it will operate beneficially to the farmer *because* the market for produce will be improved by the increase of manufactories. The argument, when reduced to a plain proposition, is simply this: the manufacturer offers to buy more of the farmer's produce *provided* the farmer will purchase his commod-

ites at an advanced price; or, in other words, the farmer is to give the manufacturer 50 per cent. more for his cloths than they are worth, in order that the manufacturer may buy the farmer's wheat with the farmer's money! If such is not the operation of the tariff, or, if instead of operating wholly in favor of the manufacturer, it effects both with an equal hand, then it may well be asked how is either benefited—neither having anything added to his profits? But the gain is in fact exclusively to the manufacturer, and the farmer by giving fifty per cent. advance to the manufacturer, has reduced the profits of his grain in the same amount.

In connection with the argument last considered, it is frequently asserted that a tariff will create a demand for labor. If such were the fact, it would constitute a more effective argument in favor of the measure than any which can be urged with truth. The design of protective duties, is avowedly to supersede the importation of foreign productions by means of establishing manufacturies in the United States. Let it be supposed then for a moment, that foreign goods to the value of \$43,000,000 have been yearly imported to the United States, and that the tariff law shall be such as to cause new American manufacturies to spring into existence amply capable of producing the same value in goods. Now, candor will forbid intelligent statesmen from denying (and equally those politicians who have asserted that the United States never possessed more than a mere pittance of gold and silver currency,) these individuals, we say, cannot deny that our foreign importations have been chiefly paid for in American produce. If this be the case, and it ought not to be doubted, let us ascertain how the change will effect the demand for American labor. By reference to the census tables of 1840, it will be discovered that the aggregate sum of agricultural products of Ohio, during that year, were (at the average price) worth nearly \$43,000,000, being just equal to the amount of foreign goods which (for the sake of convenience only, we have supposed) has been annually imported from abroad. In the production of these forty-three millions of Ohio agriculture, the labor of 272,579 persons was devoted. Now, we are next to ascertain whether (after discontinuing the purchase of foreign commodities and thus destroying the foreign market for our Ohio produce,) the establishments of manufacturies at home would give employment to the 272,579 agriculturalists whose produce had been formerly exchanged to advantage for foreign goods, or if not, whether the new manufacturies will create a market for their grain. By again turning to the census tables for the same year, it will be seen that in Massachusetts (our greatest manufacturing state,) the various articles of woolen, cotton, hardware, mixed, glass, paper, leather, precious metals, hats, caps, bonnets, and machinery manufactured in 1840, were valued at \$43,646,468, and were produced by 39,323 persons with the assistance of machinery. From these facts, the deduction is easily drawn that whilst new American manufacturing establishments are legislated into existence, capable of superseding the purchase of foreign manufactures for which the labor and industry of 272,579 Ohio agriculturalists are now exchanged with Europe, they create a demand for labor only to the number of 39,323 persons, whilst they destroy the former market for the agricultural products of 272,579 individuals! But it may be thought that the new manufacturing establishments will afford a market. A moments reflection will satisfy every one that 39,323 manufacturers cannot consume the produce raised by upwards of 230,000 agriculturalists. Hence it will be seen that, an increase of manufacturing establishments, instead of creating a larger demand for labor and a ready market for produce, would destroy the de-

mand for the first, and nearly wholly break up the other.

An examination of the tariff question in all its bearings, will convince an intelligent people that the clamor raised in favor of "protecting American Industry" is a deception of those who employ it, not for the benefit of LABOR, but for the advantage of CAPITAL. To tell an individual that you are protecting his rights whilst you are curtailing his liberty, is not a grosser insult to common sense than to suggest to an intelligent people that their industry is protected by being taxed upon all they eat, drink, and wear, for the undisguised support of manufacturing capitalists.

Is the blacksmith's "industry" protected by a tariff which raises the price of the commodity in which he works?

Is the grazier's "industry" protected by a tariff which makes him pay one dollar and twenty cents for an amount of salt which he heretofore purchased for one dollar?

Is the grain-growers "industry" protected by a tariff upon the instruments of his husbandry?

Is the mechanic's "industry" protected by a tariff which increases the cost of his wife's and children's clothing?

Is the "industry" of the helpless female protected by a tax upon tea, coffee, sugar, and the general necessities of life?

Is the professional man's "industry" protected by raising the price of his books and professional instruments?

Is the printer and book-binder's "industry" protected by requiring them to pay SIXTEEN millions for an amount of paper which without one could be bought for THIRTEEN?

Is the honest laboring man's "industry" protected whilst he is made to contribute something towards the protection of others and nothing is contributed towards his own?

In fine, is the "industry" of the great body of community protected by taxing it for the benefit of the few! If not, then where is the apology for the passage of a tariff bill which legislates from the American people the privilege of making their purchases in the cheapest market, unaffected by the artificial influences of government interference?

The democracy of Ohio believe that by enterprise, energy and skill—and not by legislative bounty, American industry in all its varieties will afford itself the surest and most permanent "protection"—It is inconsistent with the equality of rights which is the life-blood of a republic, that any particular branches of industry should lay a tax upon the balance, or be the especial object of Government consideration. Each should support itself upon its own merits. It is unjust to make the paper user pay for its use, and in addition, defray the expenses of its production. It is iniquitous in Congress to lay such a tariff upon paper as will enable the American paper manufacturer to add to his former prices a sum equal to the aggregate amount expended for manual labor in his employment. That such a thing is in effect proposed, and that such would be its operation, may be clearly established.

Let us illustrate the proposition by glancing at the statistics connected with the manufacture of paper in Ohio. By the census tables for 1840, it will be seen that in our own state, there are 14 paper mills or manufacturies—that these establishments make an aggregate amount of paper of an annual value equal to \$350,000—and that the whole number of persons employed in its manufacture is 305. By the application of a simple rule of arithmetic, it will be seen that each mill affords an average employment to 22 persons and turns out paper to the annual aggregate

value of \$25,000. It is proposed to 'protect' American paper by laying an additional duty of 20 per cent. upon all foreign paper which is now sold upon equal terms with the article produced by the mills in Ohio. As has already been seen, each establishment in this state employs (on an average) 22 persons and makes paper of an average value of \$25,000. Now a tariff of 20 per cent. upon twenty-five thousand dollars worth of paper would add \$5,000 to its selling price. This amount divided by 22 (the average number of persons in each mill,) would give a dividend of \$227—being upwards of *one dollar* per day to each hand employed, and a gross amount more than equal to the cost of the entire manual labor employed in the mill. Thus it will be seen, that the operation of a tariff upon the article of paper would cause THE PUBLIC to defray the expenses of the manufacture of the article and give the owner of the establishment the gross amount of sales. But the operation of a tariff does not stop there; for whilst the expenses of the manufacturer are defrayed by a tax upon the public, he is constantly engaged in amassing the profits of the sales soon to be devoted to the purchase of machinery which is destined to supersede the necessity of *five sixths* of the manual labor engaged, and thus throw out of employment the very persons whose "industry" tariff laws are said to protect, and destroy the market for produce which they are alleged to create! After all this has taken place, the wages, formerly devoted to the payment of manual labor, are added to the gains of the master manufacturer: the whole operation tending daily to remove his condition still farther from that degree of equality in which republican liberty alone can flourish.

In concluding this subject, let it be expressly understood that whilst the Democracy of Ohio protest against the doctrine, held by the federal party, that a tariff affords protection to American industry, they cheerfully assent to the necessity of increased tariff duties to wipe out the mammoth debt which (since the 4th of March, 1841,) has been increased from five millions to five times that amount.

From a review of a protective tariff, let us pass on and briefly notice the question of

BANKING IN OHIO.

In considering this subject, several facts present themselves in a shape pregnant with important lessons. Among them, it may not be improper to specify the fact—

1st. That a paper currency is not essential to the transaction of the ordinary business of an agricultural State, but is required chiefly for the convenience of the travelling and commercial portions of our people.

2nd. That in affording this convenience to a part, the whole people have sustained a direct loss of half a million.

3rd. That the history of bank frauds and explosions, since the first organization of government, furnishes no instance in which a bank officer sustained a loss.

4th. That the sum of \$21,000,000 is paid annually to the banks of the U. S., for the use of their notes—the paper circulation of the country being estimated at \$300,000,000, loaned at 7 per cent.

5th. That the interest of these loans goes exclusively to the bankers, and if the same amount were devoted yearly to the encouragement of a gold & silver circulation, more than *one hundred millions* would be added to our metallic basis every five years.

It will thus be seen that whilst a paper currency is furnished at a vast sacrifice to the community, its advantages result almost exclusively to the banker first and then to the commercial portion of society: but that the losses must be borne by those whose vocations in life require no assistance from the use

of paper money. Such being the fact, it is surprising that the bankers and their political allies should object to the justice of protecting the people from injury and holding those who reap the profits responsible for the losses. To effect this end, the Democracy of Ohio, through their representatives at Columbus, have for years past attempted to bring about that reform in the banking system so loudly demanded by the people. They have contended that the stockholders in a bank should be regarded in the same light as other partners in trade. Mechanics, merchants and traders, who join their neighbors in business, are held mutually responsible for the debts of the company. The same rule of justice applied to incorporations would protect the people from the losses they have sustained by the enormous explosions which have every where deprived labor of its reward. The laws of the land require the officers of justice to seize upon the private property of tradesmen, who, in attempting to enlarge their business, have over-reached their abilities. Why should not the same rule be applied to bankers? If it be alleged that bank stock would not be subscribed under such a charter, to what else does the objection amount than the plain truth, that paper money banking institutions open a door so wide to fraud, and are so corrupting in their tendencies, that they who reap their profits, are unwilling to trust the honesty of their own selected officers, and therefore require the people to sustain the loss! That such an objection will be far from sufficient to persuade the people of Ohio longer to endure the hazards of an irresponsible paper money system, it would be an imputation upon their intelligence to doubt.

At the last session of the Legislature, the high duty of restoring to the people of Ohio a currency convertible into gold and silver at the will of the holder, devolved upon the democracy. That measure was adopted with such strict regard to the dictates of right and public expediency, that twenty-two of the banking institutions of the State immediately assembled in convention at Columbus, and unanimously set forth their ability to comply with the requisitions of the resumption law, and up to this day, without exception, have paid out gold and silver at their counters. The consequence of the adoption of this measure has been, that exchanges between Ohio and the eastern cities have been reduced from *ten, fifteen and twenty per cent.*, to a rate seldom greater than two! And instead of Ohio becoming a prey to her sister States, she has set an example which has been followed by other leading members of the confederacy, and raised the credit of the commonwealth throughout the Union. In addition to all this, the resuming banks, instead of being plundered by the people of other States, had (on the 30th of June last,) actually INCREASED their specie basis (since March) in the sum of \$236,017!—This important result is exhibited by the certified reports of the banks themselves, and when taken in connection with the fact that the same banks, since the 30th of March, have INCREASED their circulation in the aggregate sum of \$425,376, it affords the strongest evidence of the financial wisdom which characterized the legislative action of the democracy during the last session.

With these facts full in view, the democratic party of Ohio have no reason to regret, but most unqualifiedly approve of, the policy adopted by her representatives in the Legislature. With a bare majority in either branch, the democratic members manfully fulfilled their duty to their country and their constituents, and have raised the character of Ohio democracy throughout the Union. With a full knowledge that an excessive inflation of paper currency had been the great inducing cause of all the wild speculation and ultimate distress which have made the last ten years an epoch in the history of

the country, the democratic members of the late legislature declined incorporating any new institutions, except under such guards, penalties, and restrictions, as would eminently "combine the two great principles of safety to the bill-holder and a fair profit to the banker." This course of policy was adopted after having first ascertained that, on the 1st of January last, thirty-seven Ohio banking institutions were in existence, whose charters authorized an aggregate capital of \$18,000,000—and that at no period since their original incorporation, had more than \$12,000,000 of stock been subscribed. The propriety of this policy was also made more evident by a knowledge of the fact, that, after the banks whose charters expire on the 1st of January next, shall have gone out of being, there will still remain, in active operation, TEN (specie paying) banking institutions scattered over the State, whose charters authorize a banking capital of but little under \$4,000,000. These banks, under the most rigorous enactments upon our statute book, are at liberty to issue a paper circulation equal to THREE TIMES the amount of their capital actually subscribed. Thus it will be seen that the banks whose charters continue after the first of January next, have the power of furnishing (if needed) a paper currency of \$12,000,000—being greater, by three millions, than that which inundated Ohio after the disastrous bank expansions of 1836-'7. Neither, as has been supposed by some, will the expiration of the charters of those banks which close in January next, curtail the amount of circulation. A critical examination of the condition of the expiring banks will satisfactorily establish the fact, that up to March last, they owed the community a balance of more than one million six hundred thousand dollars.

Faithful to the principles heretofore maintained, the democracy of Ohio are called on to enter upon an important political campaign, which is to close in two months time with the election of a Governor—twenty one members of congress—and a legislature upon which will devolve the election of a United States Senator. The political foe by whom we are to be confronted, is the same against whom the friends of equal rights have made battle in by-gone days. It is the same which embodies those who in 1798 were the advocates of sedition on law—it is the same which in 1806 denounced the illustrious Jefferson as a jacobin and an infidel—it is the same which during the last war, sympathized with the enemy, & in 1815 rejoiced at the imposition of a fine upon the hero of New Orleans—it is the same which in 1825 defended the bargain and sale between Henry Clay and John Q. Adams—it is the same which in 1828 resorted to the use of coffin handbills—it is the same which 1833 were the worshippers of Nicholas Biddle and the United States' bank—it is the same which in 1834 threatened to march to Washington, and at the point of the bayonet compel a restoration of the deposits—it is the same which in 1837 advocated and justified a suspension of specie payments by 700 banking institutions—and it is the same which in 1840 promised the people that national and individual prosperity would immediately follow the overthrow of the democratic administration.

Such is the opposition which the democracy of Ohio is called upon to confront. It embodies the advocates of irresponsible banking—the opposers of a resumption of specie payments, and the friends of an unchained moneyed despotism. It is a branch of the great whig party which promised to close the Florida war in six weeks after the induction of a whig President. It is the same party which in 1840 alarmed the people with the clamor of a 200,000 standing army—and in 1842 employed U. S. soldiers to intimidate the down-trodden republicans of Rhode Island. It is the same party which in 1840 objected to "proscription for opinions sake"—and in

1841 removed four thousand democrats from office. It is the same party which in 1840 denounced the use of blood-hounds in the Florida war—and in 1841 appointed Gov. Call (who purchased them,) to the Executive chair of the territory. It is the same party who in 1840 advocated a reduction of salaries—and in 1841 voted a gratuity of \$25,000 to the heirs of General Harrison for one month's services. It is the same party whose Senators in Congress in May 1842, refused to refund a fine of \$1,000 unjustly imposed upon the hero of New Orleans—and in July 1842 reported a bill for the relief of the heirs of the traitor Hull! It is the same party which in 1840 denounced the use of treasury notes—and in 1841 issued an increase of \$12,000,000. It is the same party which in 1840 denounced the needless furniture at the White House—and in 1841 voted the purchase of \$6,000 more. It is the same party which in 1840 promised retrenchment and reform—and in 1842 had increased the national debt from five to twenty-five millions. It is the same party which, time out of mind, has preached the doctrine of the inviolability of contracts—and in 1841 passed a bankrupt act, which in its operation violated half a million of contracts.

In opposing the selfish political array which has been described, the same democracy which ever stood by their country in weal and through woe, will rally once more in defence of their principles. Amidst the shouts of ruin and distress, of clamor and denunciation, which assailed the administration of Jackson, they stood unterrified to the last. They will again rally in the consciousness that they are opposing a party whose master spirits seek not the equality of man, but look first to the interests of wealth and then consult the happiness of the people. They will rally in support of candidates, who, whilst they oppose a needless "tariff for protection," will cheerfully vote for a tariff amply sufficient for revenue—for candidates, who, when legislating banks into existence, will look to the safety of the people first and then "consult the capitalists"—for candidates, who recognize in the mass of the people, the sovereignty of a nation, and will regard the interests of all its citizens as equally worthy of legislative consideration. And with a firm reliance upon the value of their principles, and reposing entire confidence in the universal triumph of democratic doctrines, with stout hearts and upright intentions, they will enter upon the campaign with a full assurance that with vigilance, organization and effort, VICTORY will crown their efforts.

After the reading of the address was concluded, on motion of Mr. FLOOD, of Licking,

The convention adjourned to meet in the Market House at 7 o'clock, this evening.

7 O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

Mr. PARKER of Licking, from the committee on resolutions, reported the following, which were severally read and unanimously adopted.

Whereas, a republican form of government can only retain its purity by a constant vigilance and frequent return to fundamental principles on the part of the people, scanning the acts of their servants with a jealous eye, and guarding every avenue to encroachment upon the rights of the states as independent sovereignties, or of the people, viewed as a common whole; and whereas, experience has shown that in a government like ours the danger to be apprehended, is from the action of the general government enlarging its own sphere of influence and curtailing the weight of the state governments in the national councils; and whereas, it is the natural right of all men to have a voice in the formation and

action of the government to which they are called to contribute a support, and the duty of Congress by the requirements of the constitution to guarantee to the citizens of each state the enjoyment of that right in a republican form; and whereas, recent events have satisfied us that a party exists in this country, the effect, if not the object of which is, to overturn the ancient landmarks of our confederacy, and by a latitudinous construction of the constitution, to strengthen the federal arm at the expense of the states and people; and whereas, we believe that a crisis has now arrived, when the principles upon which this government is to be administered must be definitely and finally settled, and in view of this, it more than ever becomes the duty of every political party, appealing to the people for their support, to state clearly and distinctly the grounds upon which that support is expected. Therefore,

Resolved, by the Democratic Young Men's Convention here assembled, That every day's experience teaches us that the only safeguard for a republican government, is a strict and rigid adherence to the letter of the constitution, yielding no powers to the general head, except such as are expressly and directly granted therein; and "reserving to the people and the states respectively," all powers not especially granted, or of doubtful construction by the words of that instrument.

2. That the present federal administration of the general government, is a bright and shining example of the weakness and inefficiency of all political parties, having no common principle but an indiscriminate opposition to every one who (in the language of one of their leaders) "is wiser and better than themselves," and a common thirst for the spoils and emoluments of office; and should be a monument to the American people against the folly of trusting to the professions and promises of men, instead of known and often acted-on principles of politics as evidence of sincerity.

3. *Resolved, That President Tyler, in as far as he has resisted the unhallowed attempt of the present federal majority of Congress, to fasten upon the people a United States Bank and a high tariff, contrary to their known and expressed wishes whenever the question has been agitated deserves and will receive the thanks of the country.*

4. *Resolved, That while we accede to President Tyler the meed of praise when praise is due, we can not withhold our disapprobation from other of his official acts, particularly his approval of the repeal of the Independent Treasury, and the late encroachment upon the sovereignty of the people in his attempt to sustain the charter party in Rhode Island by the bayonet of the United States soldiery.*

5. *Resolved, That the constitution of the United States guarantees to each state a republican form of government, and the people of Rhode Island, in their late attempt to change a charter derived from the royal clemency of Charles II, for a constitution based upon the equal and inalienable rights of man, were treading in the footsteps of Jefferson, Hancock, and the band of chivalrous men, who first proclaimed "these united colonies to be free and independent states."*

6. *Resolved, That we view with feelings of mingled pride and mortification the course pursued by the two great political parties of the country, upon the Rhode Island question—pride that the democracy with one voice have proclaimed their rigid adherence to, and approval of, the principles of universal suffrage; and mortification that there should be found in our country, at this day, a party so recreant to all "our fathers fought for and bequeathed," as to stigmatize as traitors to their country, as the federal party have done and still do those who seek but the exercise of that privilege which, originally a gift*

from the God of Nature, is further guaranteed to them by the charter of our common liberty.

7. *Resolved, That while we approve of a tariff of imposts, so graduated as to furnish a revenue sufficient for the economical exercise of a light and simple government, together with incidental protection to our domestic manufactures, we will oppose all and every attempt, come from what quarter it may, to burthen the many for the special aggrandizement of the few, and to rear and support a splendid government on the ruins of an impoverished and enslaved people.*

8. *Resolved, That in the words of a distinguished head of the federal party, the "tariff question can be settled in ten days," and if the majority in Congress were as anxious to effect such settlement as they are to "head Capt. Tyler," by passing "big bills" and "little bills," which they know he will veto, it would have been settled long ere this—the wheels of government would have been set in motion—the interests of the manufacturing and commercial portion of the country secured, and though last, not least in its effect upon our prosperity, Congress would have adjourned, and the people been relieved from the burthen of supporting members ten months out of fourteen.*

9th. *Resolved, That federal promises and performances are a living commentary upon the truth of the political axiom, that "those who make the most promises tell the most lies." That for the reduction of expenditures, so liberally promised in the hard cider campaign, they have given us increased expenditures in the different departments of the government—an empty treasury and a national debt—that the pledge to confine the expenditures to the absolute wants of government, is performed by a donation of \$25,000 to the heirs of General Harrison, as a gratuity for one month's service; that the cry of extravagance in the furniture of the White House, so vociferously iterated during the canvass, is proved by the appropriation of \$6000, to make it "even comfortable" for the reception of the log cabin candidate. That "no proscription for opinions' sake," is exemplified by the indiscriminate political slaughter of every democrat holding office under the General Government—1700 postmasters having been (according to Mr. Granger) decapitated in two weeks and the balance as fast as time permitted.—That the "restoration of confidence and reward of labor," which was to follow immediately upon the accession of the federalists to power, has been swallowed up in a general prostration of business and decline in prices of all the products of our soil—the wages of labor reduced—currency depreciated, and the mechanic and laborer left to the enjoyment (in imagination only) of his "two dollars a day and roast beef."*

10. *Resolved, That the burthen of responsibility for increased expenditures cannot be shifted to the shoulders of Captain Tyler. It was not the President of the United States, who increased the expenditures 25 millions, in a single year; it was not the President of the United States, who voted \$6000 additional for the furniture of the White House; it is not the President of the United States, who keeps Congress together at a vast expense and to the detriment of the country, in order that members may indulge their passion for President-making, and pocket their \$5 per day. Upon the majority of Congress does this responsibility rest, and it is at their hands the people will demand the account.*

11. *Resolved, That the recent attempts of the federalists to revive the humbug of 1840, by substituting locomotive "looms" for the "log cabins on wheels," "coon skins," "corn dodgers" and the other representatives of federal principles, is but another evidence of the estimation in which they hold*

the intelligence of the mass of voters, and deserves the scorn and contempt of every man who has "put away childish things."

12. *Resolved*, That we have seen with sentiments of disgust, the attempts of the federal Judiciary committee in congress—to couple an act of justice to General Jackson in the restoration of the fine improperly imposed upon him by Judge Hall of New Orleans, with a condition, throwing a stigma upon his name—while at the same session they can report a bill, adding an additional compensation to that paid by England to the Traitor Hull, for his surrender of Michigan.

13. *Resolved*, That the attempt on the part of J. Q. Adams, to introduce into congress a petition for the dissolution of the Union, is in strict accordance with the attempt to reward Treason in the person of Hull, and deserves the deepest reprobation of all those who value the injunctions of the Father of his Country, to "indignantly frown on the first dawning of an attempt to alienate one portion of this people from another."

14. *Resolved*, That the name of Andrew Jackson stands too high on the column of his country's fame, to be reached by the petty shafts of federal malignity, that however justice may be delayed for a time, posterity will do him honor—and while it accords to him the second niche among the benefactors of his country—will consign to degradation or oblivion, those who refused him a simple act of justice.

15. *Resolved*, That in Martin Van Buren, we recognize a statesman, patriot, and a democrat, without disguise, and rejoice that although the fumes of "hard cider" and mists of prejudice for a time obscured his fame, yet the "sober second thought" which, though sometimes tardy, is always efficient had already cleared the mists from his path, and placed him high on the tablet of his country's honored sons.

16. *Resolved*, That we have every confidence in the honesty and integrity of Richard M. Johnson—and hail him as one, who, in every situation, has acted well his part, as soldier, statesman; and higher still, "The noblest work of God, an honest man."

17th. *Resolved*, That we hail with enthusiasm the nomination of Wilson Shannon by the convention of the 8th of January last, and look forward with proud anticipation to the time when he shall again stand forth the Chief Executive officer of our great and growing State.

18th. *Resolved*, That in Wm. Allen and Benjamin Tappan, the Democracy of Ohio and the Union, have good and sufficient sentinels on the watch tower of liberty, and the utmost exertion of the members of this convention will be made to secure the continuance of these faithful guardians of popular rights, in the posts they dignify and adorn.

19th. *Resolved*, That the confidence of their constituents, is due to the democratic portion of the Ohio delegation in Congress. Where all are good, it would be invidious to discriminate;—but we point to their manly, and consistent course, as in proud contrast with that of their federal colleagues; and know that their constituents are preparing for them the meed, of "well done good and faithful servants."

20th. *Resolved*, That we all concur in opposition to a National Bank—to a National Debt—to a Tariff essentially for protection—to Internal Improvement by the National Government—to abolition—to distribution—to federalism in all its shapes—and that we all agree to a reduction of expenditures—to reform in the currency,

to administer reform in all departments of government—and to the maintenance of the Jeffersonian interpretation of the constitutional powers of the government.

21. *Resolved*, That we deem that legislation unrighteous and unjust, that prefers one class of public creditors, to another equally meritorious, and that excludes the contractors on the public works, and the laborer, who earns his money by hard and honest industry, from the same privileges and advantages that are secured to banks and bankers, and that if necessity compel a preference, it should be in favor of the contractor and the poor laborer.

22. *Resolved*, That in the present contest for supremacy in our state councils, we fearlessly fling our banner to the breeze, inscribing on its broad folds the name of Wilson Shannon, Ohio's favorite son. We invite our opponents to the contest, and pledge ourselves, each to the other, to leave no honorable exertion untried, to secure to our nominee a reinstatement in the post, the duties of which were heretofore, discharged with honor to himself, and advantage to his constituents.

23. *Resolved*, That upon the question of the currency, we stand where we have always stood, "individual responsibility and no small notes" our rallying cry—and "Wilson Shannon and Bank Reform" for our motto. We will go on in the course of reformation, so happily begun, until no vestige of exclusive privileges shall be left within our borders. But corporations and individuals shall stand alike on the broad platform of equality.

24. *Resolved*, That we have every confidence in the ability and patriotism of the present legislature of Ohio. We thank them in the name of democracy, for their firmness in compelling the resumption of specie payments by the Banks of this State, and with a feeling of just pride, point to the monthly returns of our banking institutions, as sufficient evidence of the wisdom and justice of the act.

25. *Resolved*, That the Democratic press of Ohio yield to none, in talent, patriotism, efficiency, and devotion to the best interests of the country, and that one and all, deserve what they so emphatically possess, the confidence and support of every lover of our free institutions.

Mr. D. Smith, of 'The Western Empire,' (Dayton) at the call of the meeting, appeared; and, in a speech which was distinguished for its pathos, force of reasoning and beautiful fancy, delighted the audience and called for, at intervals, enthusiastic applause.

Messrs. Thurman, of Ross, & Brough, of Franklin each responded to invitations, and held in suspense for a considerable period, the audience by speeches, eloquent, chaste, powerful in argument, severe in sarcasm, and diverting in irony.

Mr. Taylor, of Licking, offered the following resolution, which was adopted by acclamation:

Resolved, That Samuel Medary is entitled to the thanks of this convention, and of the Democracy of Ohio, for his fearless and energetic course in sustaining the cause of truth and justice, and for striking with a strong hand at those who would, for selfish purposes, distract and divide the Democratic party.

Upon the adoption of the above, Mr. Medary, was loudly called for from all parts of the assembly, and came forward and responded in a feeling and happy manner to its sentiments.

Mr. Parker of Licking, offered the following resolution which was adopted with acclamation:

Resolved, That there is no good reason why personal property sold on execution, should not be required to sell for two thirds its appraised value as well as Real Estate; that the attention of the Legislature be called to this subject, and they be respectfully requested to pass a law providing for the appraisement of all personal property sold on execution, and that it bring two thirds its appraised value or remain unsold.

Mr. Morgan moved that the thanks of the convention be given to its officers for the able and impartial manner in which they discharged their duties, which was agreed to.

The following resolution was then adopted:

Resolved, That a committee of five be appointed by the President to constitute the Democratic Young Men's State Central Committee of Ohio.

The President in accordance, appointed Messrs. Flood, of Licking, Ayres, of Hamilton, Morgan, of Columbiana, Arthur, of Muskingum, and S. D. Preston, of Franklin, said committee.

Mr. Taylor then moved that a committee of three be appointed to superintend the publication of the proceedings of this convention, as follows: Messrs. Taylor, Moore, and M. H. Medary.

On motion of M. H. MEDARY,
Resolved, That the thanks of this Convention be tendered to John Young, Esq., for the use of the Theatre.

On motion of P. P. LOWE, of Montgomery,
Resolved, That the proceedings of this Convention be signed by the officers and published.

The Convention then adjourned *sine die*.

GEO. W. MANYPENNY, *President*.

DAVID T. DISNEY,
WILLIAM IRVIN,
JAMES TAYLOR,
JOHN YONTZ,
A. C. MEDARY,
ROBERT HAZELTINE,
WM. D. TIDBALL,
R. WILSON,
WM. JONES,
A. HALL,
D. SMITH,
WM. BEAM,
T. J. ORR,
JAMES SHEWARD,
J. D. WILLIAMSON,
A. DELAPLAIN,
E. RAFFENSPERGER,
E. GAVER,
HIRAM B. SMITH,
JAMES BLAIR,
ALEXANDER MCGINNIS,
T. J. S. SMITH,
LEVI D. MERIDETH,

Vice Presidents.

H. H. Robinson,
W. F. Daly,
Alfred McVeigh,
C. B. Flood,
A. Guthrie,
D. B. White,

Secretaries.

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READ AND HAND TO YOUR NEIGHBOR.

SKETCH

OF THE

LIFE OF MARTIN VAN BUREN,

COMPILED FROM THE MOST AUTHENTIC SOURCES.

MARTIN VAN BUREN, was born on the 5th day of December, 1782, near the village of Kinderhook, in the State of New York. His father, Abraham Van Buren, during the resistance which was made to the efforts of Great Britain to force the inhabitants of the colonies into the condition of vassals, took an early, and decided stand in favor of his country, and against foreign aggression. The war of the Revolution found him a firm and uncompromising whig, and to the day of his death, which happened in 1814, he remained true to his ancient principles, and he died, as he lived, a christian and a democrat.

Both the father and mother of Martin Van Buren were of German descent.—Both are said to have been remarkable for strong and sound minds, though neither had the advantage of a liberal education.

In the youthful days of the subject of this sketch, schools were few and far between, and to the poorer class of citizens, and among whom the family of Mr. Van Buren were ranked, a good education was next to an impossibility. Those who were able so to do, sent their children to New York, or to some other of the larger cities or towns, to be educated, while their less fortunate neighbors were dependent upon chance for a teacher during the winter months. Toiling to assist in providing bread for his younger brothers, Martin Van Buren only went to school such days during the winter, when, from the severity of the weather, out door work was rendered impossible. It was in the log cabin school house of the village, dignified with the title of the "*Kinderhook Academy*," that Martin Van Buren learned to read and to write. The remainder of his education was self taught, and as he pored, night after

night, after his long day's work was done, over his hard lesson—hard because he had none to assist him—he early gave evidence of that perseverance and industry which has so eminently distinguished him in after life.

The father having, by frugality and industry, amassed a little property, he yielded to the inclination of his son, and allowed him to study law. While preparing for the bar, he supported himself, and paid for his tuition by writing in a law office. Preparing for the law, and studying in the same office, were several young men of wealthy parents, and numerous were the jokes and sneers which were cast upon the "*Dutch boy*," as they, in derision, called Mr. Van Buren; and many were the wonders of these wiseacres, when the subject of this sketch would be enabled to pass an examination. To them it seemed an impossibility that one who made so little pretension, and who was compelled so many hours during the day to labor for a subsistence, could ever master the intricacies of the law. They little knew the many hours of laborious study which were taken from the time usually allotted to rest, and still less did they know the indomitable spirit of the friendless boy, the object of their sneering sarcasms. Some of these men lived to see that same friendless "*Dutch boy*," by his own merit, raise himself, not only to the head of his profession, but from station to station, until in 1831 he was rejected by Clay's influence in a factious Senate, as Minister to England, to which station he was appointed by Gen. Jackson. Those Senators who voted to reject Mr. Van Buren, in the fond hope that it would prove his ruin, all lived to see him placed, by the voice of the people, as

Vice President of the United States—at the head of the very Senate who had thus sought to stab his reputation; and four years after, many of them saw him, by the voice of the same people, made President of the United States.

During the latter part of the time Mr. Van Buren was preparing for the bar, the fierce political conflict between the federal and democratic parties, and which resulted in the election of Thomas Jefferson to the Presidency, was at its height. Although but a boy in years, Mr. Van Buren, true alike to the instinct of his nature, as well as to early training, took a decided stand in favor of democracy. The federal party, then, in truth, had the wealth and talents of his native county. But little talent either for debate or in writing, existed in the democratic party of that county, and as young Van Buren possessed the faculty of both writing and speaking in an eminent degree, he was, on all occasions, pushed forward as the leading champion of the democratic cause. At the youthful age of 18 years, Mr. Van Buren so entirely possessed the confidence of the democratic party, that he was unanimously chosen to represent his native town in a district Convention composed of the counties of Rensselaer and Columbia, called for the purpose of selecting candidates for the Legislature.

At the age of 21 years, Mr. Van Buren was admitted to the bar, and commenced the practice of law in his native village of Kinderhook. He had not only to contend with poverty, and against vindictive feeling, engendered on account of the part he took in politics, but he had also to contend against the most talented and eloquent members of the New York bar. Difficulties such as these, were sufficient to damp the ardor of any man not well schooled in adversity. But life, to Mr. Van Buren, had been but a succession of struggles against difficulty after difficulty, and he persevered and triumphed. Talents and industry such as he possessed, could not fail of commanding business, and a few years saw him take rank as one of the soundest and ablest lawyers in New York. Business flowed in upon him, and those who sneered at the "Dutch boy," in the days of his trial, now were proud to claim the talented man as a townsman.

The aristocracy of Columbia county, fearing his commanding talents—his influence with the people, and, above all, his able defence in favor of democracy, sought in vain to woo him from his principles. They pointed out to him the station in "good so-

ciety," as they called it, to which he might aspire; the splendid fortune which, in a few years, would certainly flow in upon him, through the aid and assistance of the federal leaders, if he would *only* change his political creed, for they were more able than the democrats, who were poor, to advance his fortunes and to raise his reputation. The answer of Mr. Van Buren was such as might have been expected from a man governed by principle. He made money, more than sufficient for his frugal wants—old friends he could not desert for new ones, and in his politics, being governed by *principle*, he could not change them if he would—he would not, if he could.

In 1808, Mr. Van Buren was appointed, by the democratic Legislature, Surrogate of Columbia county, the duties of which station he filled with the strictest fidelity, until the federal party got the ascendancy in the Legislature; then, for the crime of being a democrat, he was hurled from office.

In 1812, Mr. Van Buren, then just eligible on account of age, was a candidate for a seat in the New York Senate. His opponent, EDWARD P. LIVINGSTON, was not only highly talented and popular, but possessed a powerful and influential family connexion, and added to which, were many apostate democrats, among whom was Aaron Burr, and others, whose plans of establishing a National Bank Mr. Van Buren had assisted in thwarting. The contest was a most spirited one, as can be seen from the fact of twenty thousand votes having been polled, and yet, with all the combined influence of federalism and Burr popularity against him, Mr. Van Buren was elected by a majority of 200 votes. He was the youngest man that ever took a seat in the New York Senate.

The same federal feeling—which sneered at Mr. Van Buren in youth,—in manhood sought to seduce, and, failing in that, to prostrate him,—to this hour has never forgiven him, but still pursues him with an unrelenting hate. They themselves opposed the last war, yet, knowing that that war is now popular, they boldly aver that Mr. Van Buren opposed it also. In making this charge, they have not shown their usual sagacity, for, though a serious one, it is easily disproved, and thus is it done:

In 1813, Daniel D. Tompkins, the democratic, as well as the *war* Governor of New York, was nominated for re-election. Mr. Van Buren was a member of the Convention which nominated him, and was chosen as chairman of a committee to draw up an address to the people of New York. That

address was written by him, and from it we make the following extracts :

"Fellow-Citizens—Your country is at war, and Great Britain is her enemy. Indulge us in a brief examination of the causes which have led to it ; and brief as from the necessary limits of an address it must be—we yet hope it will be found sufficient to convince every honest man, of the high justice and indispensable necessity of the attitude, which our government has taken—of the sacred duty of every real American to support it in that attitude, and of the parricidal views of those who refuse to do so.

[Here follows an eloquent summary of the causes which led to the war—of the preliminary efforts, the embargo, non-intercourse, &c., to induce the belligerent nations to do us justice, without a resort to that alternative—and of the series of aggressions on the part of Great Britain, which rendered it, in the language of the address, a measure of "high justice and indispensable necessity."]

"By this last act [the disavowal of the British government of the arrangement of Mr. Erskine, and the formal re-enactment, by that government, of the orders in council, the doors of conciliation were effectually closed.] the American people—a people rich in resources, possessed of a high sense of national honor, the only free people on earth—had resolved in the face of an observing world, that those orders were a direct attack upon their sovereignty ; that submission to them involved a surrender of their independence—and a solemn determination to adhere to them, was officially declared by the ruler of the British nation. Thus situated, what was your government to do ? Was there room for doubt or hesitation as to the hostile views of England ? No. Lest such doubts might prevent a rupture, to acts of violent injustice, were continually added acts of the most opprobrious insult. While the formal relations of amity remained yet unbroken—while peace was yet supposed to exist—in cool blood an unprovoked attack is made upon one of our national ships, and several American citizens basely and cowardly murdered. At the moment your feelings were at the highest pitch of irritation in consequence of the perfidious disavowal of Erskine's agreement, a minister is sent, not to minister to your rights—not to extenuate the conduct of his predecessor—but to beard your Executive—to add insult to injury ; and to fling contumely and reproach in the face of the Executive of the American nation, in the presence of the American people.

"To cap the climax of her iniquity ; to fill up the measure of our wrongs ; she resolved to persist in another measure, surpassed by none in flagrant enormity—a measure, which of itself was adequate cause of war—a measure which had excited the liveliest solicitude, and received the unremitting attention of every administration of government, from the time of Washington to the present day ; the wicked, the odious and detestable practice of impressing American seamen into service ; of entombing our sons within the walls of her ships of war ; compelling them to waste their lives, and spill their blood

in the service of a foreign government—a practice which subjected every American tar, to the violence and petty tyranny of a British midshipman, and many of them to a life of the most galling servitude—a practice which never can be submitted to by a nation professing claims to freedom ; which never can be acquiesced in by government without rescinding the great article of our safety, the reciprocity of obedience and protection between the rulers and the ruled.

"Under such accumulated circumstances of insult and of injury, we ask again, what was your government to do ? We put the question not 'to that faction which misrepresents the government to the people, and the people to the government ; traduces one half of the nation to cajole the other—and by keeping up distrust and division, wishes to become the proud arbiter of the fortune and fate of America,'—not to them, but to every sound head and honest heart in the nation it is that we put the question—what was our government to do ? Was she basely and ingloriously to abandon the rights for which you and your fathers fought and bled ? Was she so early to cower to the nation which had sought to strangle us in our infancy, and which has never ceased to retard our approach to manhood ? No—we will not for a moment doubt, that every man who is in truth and fact an American, will say that WAR, AND WAR ALONE, was our only refuge from national degradation—our only course to national prosperity.

"Fellow-citizens, throughout the whole period of the political struggles, which, if they have not absolutely disgraced, have certainly not exalted our character, no remark was more common, no expectation more cheerfully indulged in, than that those severe and malevolent contentions would only be sustained in time of peace ; that when the country should be involved in war, every wish and every sentiment would be exclusively American. But unfortunately for our country, those reasonable expectations have not been realized, notwithstanding every one knows that the power of declaring war, and the duty of supporting it, belonged to the General Government—notwithstanding that the constitutional remedy for the removal of the men to whom this power is thus delegated, has recently been afforded ; notwithstanding the re-election of the same President by whom the war was commenced, and a majority of Representatives, whose estimate of our rights, and whose views are similar to those who first declared it ; men who, by the provisions of the constitution, must retain their respective stations for a period of such duration as precludes a continued opposition of their measures without a complete destruction of our national interest—an opposition at once unceasing and malignant, is still continued to every measure of the administration.

"Fellow-citizens, these things will not do—they are intrinsically wrong. Your country has engaged in a war in the last degree unavoidable ; it is not waged to the destruction of the rights of others, but in defence of our own ; it is therefore your bounden duty to support her—you should lay down the character of par-

tisans, and become patriots, for in every country 'war becomes an occasional duty, though it ought never to be an occupation. Every man should become a soldier in defence of his rights; no man ought to continue a soldier for offending the rights of others.' In despite of truths so self-evident, of incentives to a vigorous support of government so pressing, yet we have to deplore the existence of a faction in the bosom of our land, whose perseverance and industry are exceeded only by their inveteracy; who seek, through every avenue, to mislead your judgment and to inflame your passions.

"When your government pursues a pacific policy, it becomes the object of their scorn and derision; the want of energy in your rulers is decried as a matter of alarming consideration; the injuries of your country are admitted, and the fact is triumphantly alleged that the administration cannot be kicked into a war. When they are impelled to a forcible vindication of our rights, the cry of enmity to peace—of a wish to war with England to serve France—is immediately resounded through the land. When war is declared, public opinion is sought to be prejudiced against the measure, as evincing a disposition unnecessarily to shed your blood and waste your treasures. When it is discovered that that declaration is accompanied with a proposition, a just and equitable proposition to the enemy, on which hostilities may cease, and peace be restored, that proposition is derided as evidence of the most disgraceful pusillanimity.

"No falsehood is considered too glaring—no misrepresentation too flagitious to impose on your credulity, and seduce your affections from your native land."

"Least general allegations might fail to effect their unholy purposes, and consummate their dark designs, specific charges are resorted to—calumnies which have again and again met the detestation of an enlightened public, are periodically brought forward, new dressed, and with new authorities to give them credence with you. Among the most prominent of those charges, is that of enmity to commerce, on the part of the republican administrations. Never was there a calumny more wicked. Enmity to commerce! We ask, and we ask emphatically, where is the evidence of it? What is the basis on which they rest their claim to public confidence?—It is that the administration is engaged in a war which they claim to be unpopular. What are causes for which this war is waged, and which have hitherto embroiled us with the nations of Europe?—They are the violation of our commercial rights, and the impressment of our seamen! The administration, then, are jeopardizing their interest with the people; they furnish weapons of offence to their adversaries; they brave all dangers, for the maintenance and support of our commercial rights; and yet they are enemies of commerce! Can such base sophistry, such contemptible nonsense, impose on the credulity, or pervert the understanding of a single honest man?

"But to crown this picture of folly and of mischief, they approach you under a garb which at once evinces their contempt for your understanding, and their total want of confidence in your patriotism; under a garb which should receive the most distinct marks of your detestation; they are 'THE FRIENDS OF PEACE!' While our enemies are waging against us a cruel and bloody war, they cry 'peace.' While our western wilds are whitening with the

bones of our murdered women and children—while their blood is yet trickling down the walls of their former habitations—while the Indian war-whoop and the British drum, are in unison saluting the ears, and the British dagger and the Indian tomahawk suspended over the heads of our citizens—at such a time, when the soul of every man who has sensibility to feel his country's wrongs, and spirit to defend her rights, should be in arms—it is that they cry PEACE! While the brave American tar, the intrepid defender of our rights and redeemer of our national character—the present boast and future honor of our land—is impressed by force into a service he detests, which compels a brother to imbrue his hands in a brother's blood—while he is yet 'tossing upon the surface of the ocean and mingling his groans with those of the tempest, less savage than his persecutors, that waft him to a returnless distance from his family and his home'—it is at such a period, when there is no peace, when there can be no peace, without sacrificing every thing valuable—that our feelings are insulted, the public arm paralyzed, and the public ear stunned by the dastardly and incessant cry of PEACE! What, fellow citizens, must be the opinion which they entertain of you, who thus assail you? Can any man be so stupid as not to perceive that it is an appeal to *your fears*, to *your avarice*, and to all the baser passions which actuate the human heart? that it is approaching you in the manner in which alone, those puny politicians who buzz about you and thicken the political atmosphere, say you are accessible—*through your fears and your pockets!* Can any American citizen be so profligate as not to spurn indignantly the base libel upon his character?

"Suffer yourselves not to be deceived by the pretence, that because Great Britain has been forced by her subjects to make a qualified repeal of her orders, our Government ought to abandon her ground. That ground was taken to resist two great and crying grievances, the destruction of our commerce, and the impressment of our seamen. The latter is most important, and in proportion as we prefer the liberties and lives of our citizens to their property. Distrust, therefore, the man who would advise your Government at any time, and more especially at this time, when your brave sailors are exciting the admiration and forcing the respect of an astonished world; when their deeds of heroic valor make old Ocean smile at the humiliation of her ancient tyrant—at such a time, we say again, mark the man who would countenance Government in commuting our sailors' rights for the safety of our merchants' goods.

"Next to the cry for peace, the most potent spell which has been resorted to, to alarm your fears and pervert your understandings, is the alleged distress of the country. Fellow-citizens, it has been our object, it is our wish, to treat you fairly, to appeal to your judgments, not your passions; and as we hope our address to you hitherto has been marked by that character—it is to your consciences, then, that we appeal upon this subject.

"Is not this clamor most unfounded, most ungrateful? If you doubt that it is so; if you hesitate to believe that it originates exclusively with the ambitious and designing, spend one moment in comparing your situation with that of the major part of the civilized world.

"Fellow-citizens, should those political wittlings, who are not only ignorant themselves of the leading points of controversy in our disputes with the belligerents, who are uniformly assailing you as men destitute at once of spirit and of judgment, should they point to the wars which agitate and have convulsed Europe, as arguments against the prosecution of that just and necessary one which has been forced upon us, we know that you will in-

dignantly repel the unfounded suggestion. The wars of Europe are waged by the monarchs to gratify their individual malice, and to satiate their lawless ambition. Ours is in defence of rights which must be defended, or our glory as a nation will be extinguished—the sun of our greatness will set forever. As well might it have been said during the revolution, that war should not be waged, because wars had desolated Europe. The same rights you then fought to obtain, you must now fight to preserve—the contest is the same now as it was then—and the feelings which then agitated the public mind, which on the one hand supported, and on the other sought to destroy, the liberties of the country, will be seen and felt in the conduct of the men of this day."

Who, after reading these extracts from the pen of Martin Van Buren, dare reiterate the stale and false charge that he was opposed to the last war with England? In addition to the proof to be found in the extracts given, we assert as a fact, easily proven by the journals of the New York Legislature, that Martin Van Buren supported every measure—and there were many—brought forward in that Legislature to assist the General Government in successfully carrying on that war, and some of the strongest of which, he himself matured and brought forward. At the close of the war, Mr. Van Buren, still being a member of the New York Senate, introduced, and advocated until it was passed, a resolution giving the *thanks of the Legislature of New York to Major General ANDREW JACKSON, his gallant officers and soldiers, for their wonderful and heroic victory at New Orleans.*

In February 1815, the Legislature of New York, then democratic in both branches, elected Mr. Van Buren Attorney General of that State, as well as Regent to the University. In the spring of 1816 he was again elected to the Senate, and the project of uniting Lake Erie and Lake Champlain with the city of New York by canal, found in him its ablest and most untiring advocate, and for which he was publicly thanked by De Witt Clinton; and in Hosack's memoirs of that distinguished man, Mr. Van Buren is particularly named as one of those by "whose personal and almost miraculous exertions" the bill was passed.

In 1821, Mr. Van Buren was elected a Senator of the United States, by the Legislature of New York, and, at the end of his constitutional term, was re-elected. His efforts in that body in favor of granting pensions to revolutionary soldiers, and in favor of the abolition of imprisonment for debt, placed him at once in the front rank of debaters. From one of his speeches, on imprisonment for debt, the following extract is made:

"Mr. VAN BUREN said he would now consider the character and effect of the imprisonment

now allowed. What are its advantages? It is justified as a means to compel the debtor to disgorge concealed property. Mr. VAN BUREN had already shown that as to him who has property to disgorge, and can therefore secure the privilege of the limits, the measure is wholly inoperative.

"Upon those who have no property, it is not only wholly ineffectual, but very oppressive. It is punishing first and inquiring afterwards. It is inflicting severe chastisement for a supposed injury to an individual, constituting the injured party both judge and jury. It partakes of the character of the RACK, putting its victim to the torture, without knowing whether he has any thing to confess or not. It is said that to repeal the old law, would deprive the creditor of one of his securities. As the bill now stands, with its operation confined to contracts which are made after the fourth of July next, it cannot be said to deprive the creditor of any security which he possessed, at the time of entering into the contract. It can therefore only be objectionable, if objectionable at all, because it will prevent the taking of future securities of that character. Mr. VAN BUREN said, that with him the greatest merit of the bill was that it produces that effect. He agreed fully with a distinguished writer, who says, that he who trusts, with a design to sue, is criminal by the act. What is it? Strip the transaction of the drapery of courts, officers, and forms of proceeding, which are but the instruments of the law, to give effect to the contract as made between the parties, and suppose the contract to express all that by the law, as it stands, it implies. It would then provide that if the debtor failed on the appointed day to pay the debt he had contracted, it should be lawful for the creditor to tear him from his family, and to restrain him of his liberty, by confining him within prison walls, whether his inability to pay arose from misfortune or fault, and whilst so confined to leave him to be sustained by his own resources, or if he had none, by the charity of his fellow-citizens, until he should be discharged by their humanity, or the humanity of the laws of his country. Suppose a contract thus actually written out—what would a Christian community say to such a bargain? In what portion of this country would the man who had dared to enter into it, venture to expose his person to the hisses of his fellow-citizens? And still this is but the unvarnished statement of a transaction, which, when disguised by the intervention of courts, and consecrated by immemorial usage, receives the vigorous support of some of the best and wisest men that our country produces. Sir, said he, I am for breaking up contracts of this character. I would dissolve this alliance which is supposed to exist between the counting house and the jail. I would compel men to conduct their dealings on higher and better principles, and to look to better grounds of reliance than to bailiffs and turnkeys. I would have them depend upon the character or property of those with whom they deal; and rest assured the best results would flow from the establishment of such a system. It cannot be necessary to state, that in all dealings upon credit, the terms of the contract will

be greatly controlled by the nature of the security. What must be the terms of those bargains which mainly depend upon a security of this description? Can they be otherwise than the operations of gripping avarice upon helpless poverty, or of cupidity and cunning upon improvident and dangerous speculations? They must, in the nature of things, be of this character. If this system be abolished, those who desire credit will pursue a different course to obtain it. They will seek to inspire confidence by industry, probity, and punctuality. By this course they will be sure to obtain it, and the credit they thus obtain will elevate their character, increase their happiness, and benefit the community.

"It is further objected that the alteration of the system will impair credit. Mr. VAN BUREN had already stated what species of credit it must necessarily be, which would be thus impaired, and how little objection exists against putting a check upon such credit. But what reason is there to believe that this apprehended effect upon credit would be produced. In this, as in all other cases, speculation must yield to fact, or you are led into error.

"The suggestions of experience must be listened to. How stands the fact? What is the condition of the credit most prevalent in the country; that on which nine-tenths of the every day business of the country rests? It is bank paper. And what security does the holder of a bank note ask or receive, when he takes it? The right to imprison the drawer? No! he never thinks of it.—He will sell his estate, and take in payment the notes of associated individuals, without its ever occurring to him that the right to imprison the drawer is not secured to him; but if he sells a horse, or a cow, and takes the note of a single ingenuous individual, he deems it a matter of vital importance, that his lien upon the body of debtors should be protected by the strongest statutes.—When you pay an annual premium to secure your houses against the flames, or your vessels against winds and waves, do you think of the right to imprison? No. But when we dole out a miserable pittance of their cargo, this hankering after corporeal security possesses us. Such are the miserable contradictions into which we are led by the blind force of habit. But suppose a check is put to credit. Is it certain that such a result would be an evil? Mr. VAN BUREN thought not. He thought, on the contrary, that much of the distress which has prevailed, and in some places continues to prevail, arose from the unrestrained credit which has been given in this country. It has led to extravagance in every form. In the manner of living, in buildings, in equipages, in dress and ornaments; in every thing, you have seen its pernicious influence. The frugal habits of our ancestors who dealt in the property they actually had, has given way to the prodigality of those who deal in the ideal capital, which credit has given them, and the consequence has been that we have lost that independence our ancestors possessed.—Without enlarging upon the subject, he was satisfied, that a check to credit, so far from being objectionable, was desirable. We have seen that we cannot check the improvidence of the debtor; let us therefore endeavour to restrain the cupidity of the creditor. In every point of view, therefore, in which he had been able to consider the subject, Mr. VAN BUREN was decidedly in favor of the bill, and he trusted it would receive the approbation of Congress and of the country."

To show the character that Mr. Van Buren sustained while in the Senate, we publish below an extract from the National Intelligencer, of August 26, 1823, then, as now, the organ of the party to which Mr. Van Buren was opposed. The extract is taken from a long electioneering article in the Intelligencer, in favor of Mr. Adams and against Gen. Jackson, and the name of Mr. Van Buren is introduced, because he was the "*master spirit*" of Jacksonism and of the democratic party, whose war upon the coalition Administration of Adams and Clay, made him an object of fear and dislike to them. Yet even in traducing, and in an attempt to destroy his influence, the editor of the Intelligencer, an avowed enemy, was forced to admit the purity of his life, and the splendor of his talents:

"Once more we are obliged, and for this time reluctantly, to introduce by name to our readers, the Hon. MARTIN VAN BUREN, the distinguished Senator from the State of New York; the "*master spirit*" who can, when he sets himself about it, accomplish more than any other man can dream of.—The fascinating address of this distinguished citizen, added to his powers of persuasion, his highly respectable talents, and imperturbable temper, make him not only the most adroit, but also the most powerful politician of the present day. As a gentleman, we have heretofore had occasion to say, we have great respect for him. Even under the greatest excitement of temper, he never forgets the courtesy which becomes him; or, if he does, we have never seen it. In the walks of private life we know of no exception taken to his character."

About the time of Mr. Van Buren's election to the United States Senate, the question of calling a State Convention to alter the Constitution of the State of New York, was extensively discussed, and found in Mr. Van Buren an able and untiring advocate. The proposed alterations, were to make more free, the right of suffrage. He was the early friend, and the ablest champion of the proposed extension of the right of voting. As early as 1820, when the question of calling a convention to revise the Constitution, had been but little discussed, if discussed at all, we find Mr. Van Buren presiding as President of the day at a fourth of July celebration, and on being called upon for a sentiment, gave the following:

"The elective franchise—existing restrictions have proved to be as impolitic as they are unjust. It is the office of wisdom to correct what experience condemns."

This sentiment, so true in itself, and so happily timed, is said to have been the signal gun which roused the friends of the people to action. The question was broadly discussed before the people, and the same Legislature which elected Mr. Van

Buren to the United States Senate, passed a law calling a Convention to revise the Constitution of his native State. So great were Mr. Van Buren's exertions in favor of this measure, and so well were they appreciated, that, though living in Albany at the time, and though he had, during the previous session of the Legislature, been elected a United States Senator, yet, as a compliment to the man, as well as to his efforts in favor of popular rights, the democracy of the county of Otsego, and in which he had never lived, nominated, and elected him as a member of the Convention to alter the Constitution of his native State. Unlike other offices, members of the Convention, if citizens of the State, were equally as eligible, if elected from another county, as from the one in which they lived. Grateful for the unsought compliment, Mr. Van Buren accepted the trust, and in August, 1821, took his seat as a member of that Convention.

Under the Constitution, as it then stood, persons who were entitled to vote for Representatives, were to be over the age of 21 years, to have resided within the county for the six months immediately preceding the election—to possess a freehold of the value of 20 pounds, or else have erected a tenement within the county which would rent for forty shillings, and to have paid taxes. To vote for a Senator, or Governor, in addition to the other requirements, the freehold must be over the value of one hundred pounds, over and above all debts charged thereon. Negroes possessing these qualifications were as much entitled to vote as whites. Failing in their efforts to defeat the proposed Convention, the federal party next turned their efforts to the securing of a majority of its members, for nothing did they fear more than an extension of the right of voting. Their most talented and popular men were brought forward as candidates, and so close was the vote, that when the Convention met, it was doubtful which party had the majority, for both claimed it. The federal members, in the arrogance of their supposed power, were unwilling to alter the Constitution at all, in respect to the right of suffrage.

The first vote in Convention upon which the parties divided, the federal leaders found, to their surprise, that the democratic party had a small, yet an available majority. With a party so eminently distinguished for changing their creed, it was nothing new for the federal leaders to go to the other extreme, and they became at once the advocates of *universal suffrage*—that is, to allow every male, black or white, with-

out reference to their age, color, or to where they lived, to exercise this right. Their object in this was apparent. Every State Constitution, when first made, or when altered, before it can take effect, must first be submitted to the people, and be by them either approved or rejected. Had the federal leaders been enabled to carry their point, none could doubt but that a Constitution thus formed, and under which such immense frauds could have been committed, would have been rejected by a prompt and a decisive vote. The *real* friends of the extension had to guard equally against secret and open attacks. To make the matter, if possible, more difficult, some few of the democratic members were disposed to listen to the crocodile whinings from the federal party, of love for the people, and to go with them for universal suffrage, or at least, for an extension of it to blacks.

The result was a compromise, and blacks who possessed a property qualification of the clear value of two hundred and fifty dollars, and had been rated and paid a tax thereon, were allowed to vote. This property qualification acts as an almost entire prohibition, for but few, very few, blacks own that amount of property. The restrictions on the vote of *white* men were taken off, and, by the new constitution of New York, white men, who have lived in the State one year, and paid a State or county tax, or labored on the highway, or served in the militia, have the right to vote—extending free suffrage even further than allowed by the constitution of Ohio. The new constitution was submitted to the people, and by them adopted by a large majority. At that time no man had higher praise for his efforts in the cause of the people than Martin Van Buren.—Every effort of his gigantic mind was brought into requisition to thwart the various plans of federalism to defeat the right of the poor man to vote; and yet the same party, at the present day, charge upon Mr. Van Buren sentiments the very reverse of those he held, and place him, and the democratic party in that Convention, of which he was the acknowledged leader, as the foe to the right of the poor white man to vote. The documents brand this assertion, however, as false, and the same party who now justify the putting down, at the *point of the bayonet*, the right of suffrage in Rhode Island, will forever have to bear the stigma of resisting, in the most determined manner, the same thing in the Convention called in 1821 to revise the constitution of the State of New York.

While a member of the United States Senate, Mr. Van Buren's conduct was such as to meet the entire approval of the people of New York, and so endeared was he to them, that at the expiration of his term of service, and on the decease of the then Governor, De Witt Clinton, he was elected in November 1828, by a majority of more than *thirty thousand votes*, over Smith Thompson, his highest competitor, Governor of his native State.

Thus have we rapidly traced Martin Van Buren from the poor and friendless boy, working by day and studying his lesson by fire-light at night, and struggling, not only unaided and alone against natural difficulties, sufficient to appal the stoutest heart, but added to which he had to fight and to struggle against malignant federalism, which first sought to seduce, and failing in that, to overthrow him, by the combined aid of wealth and power. True to the principles early implanted into his breast, and to his own generous feelings, his heart remained uncorrupted, and his own indomitable perseverance enabled him gloriously to triumph. As was said of another distinguished democrat, "the people loved him, because he first loved them," and the bitter abuse of his opponents only raised him the higher in their estimation.

Mr. Van Buren was only suffered to occupy the gubernatorial chair of New York for a few months. Gen. Jackson, whose knowledge of men was as great as that of any man living, when taking his seat as President, on the 4th of March 1829, believing Mr. Van Buren pre-eminently qualified for the place, offered him the post of Secretary of State, that being the most honorable station in the cabinet. By the advice of his friends, he accepted; and from that moment, his history becomes the history of his country.

Neither Gen. Jackson, nor any of his cabinet had ever, previous to the time of his inauguration, been connected with an Administration, as cabinet officers. Diplomacy was considered a profession which required long and laborious service to understand, and without being regularly trained, no man was considered competent to conduct a negotiation. Mr. Jefferson had been the Secretary of State under Gen. Washington; Mr. Madison had filled the same post under Mr. Jefferson; Mr. Monroe, under the administration of Mr. Madison, and John Quincy Adams had filled the same high station under Mr. Monroe. Under Mr. Adams, whose whole life had been spent in the diplomatic service of his country, Mr. Clay, who had made him President by

by a foul coalition in 1824, was brought in to the line of succession to the Presidency, by being made Secretary of State under Mr. Adams. Thus, will it be seen, that all the Secretaries of State which had preceded Mr. Clay from the days of Mr. Jefferson, brought the experience of the President, who had filled the same office, to their aid.

Unfortunately for himself, and doubly unfortunate for the country, Mr. Clay exhibited in his dealings with foreign nations, that fickleness of purpose which so characterizes him as a politician. This bungling diplomacy lost to the country the immense benefits of the colonial trade, which had been offered him on terms highly advantageous to the country, and which he neglected to accept. Discovering his error, too late, he tried in vain to recover it. Disgusted with a man who was of one opinion one hour, and of a different one the next, the same government which had offered the terms which he refused, refused them when he was willing to accept.

Mr. Van Buren, when he took charge of the State Department, determined to try a straight-forward system of dealing between nations, and which diplomats had in but few countries ever practised. In the strong and energetic language of Gen. Jackson, it was "*to ask of foreign nations nothing but what was clearly right, and to submit to nothing that was wrong*," and never was a system more eminently successful.

The attention of Mr. Van Buren was early called to the regaining of the colonial trade which had been lost by the prevaricating policy of Clay and Adams. The very terms which Great Britain refused to Clay and Adams, were granted to Jackson and Van Buren; and to this day, do our citizens enjoy that trade which has opened new fountains of wealth to our enterprising citizens.

During the war in Europe, when Bonaparte, by his armies, ruled the greater part of that continent, our vessels, which then enjoyed the carrying trade of the world, were plundered and confiscated, under the pretence of appearing on coasts and harbors when in a state of blockade—and many of our merchants and citizens by the loss sustained, had been plunged into the deepest poverty. Mr. Clay, as Secretary of State, was bound to seek reparation and justice for injuries done. If ever he made the attempt he failed, as signally as he did in securing the colonial trade.

Mr. Clay had been Secretary of State for four years, and in vain may the public records be searched for the single act which

either redounded to his credit, or the advantage of the nation. Mr. Van Buren succeeded him, and occupied the same station for the two years following; and if the records be searched, it will be found that, never since our government was first founded, had an equal amount of labor been done, or so many treaties, advantageous to the country, been made and ratified.

In addition to the settlement of the colonial trade with Great Britain, a treaty was made with France, by which that nation agreed to pay our citizens for spoiliations committed on our commerce, and which for twenty years before she had refused to settle. Denmark too, had plundered our merchants, and with that power, was a treaty made, by which she engaged to pay for spoiliations a sum *four times greater* than she ever before was willing to refund.—Spain—proud, self conceited and jealous Spain—followed next, and not only did that proud Monarchy pay for her depredations, but she signed a treaty which gave our citizens advantages in trade with her ports, then allowed to no other nation.—Portugal, too, owing to the straight forward, manly skill of Mr. Van Buren, paid our citizens for injuries done years before. In addition to the treaties, compelling foreign nations to do justice to our wronged citizens—and which brought peace and plenty to many a hearth, where but a few weeks before, poverty and want had reigned supreme—other treaties were made with Mexico, Columbia, Austria, Russia, and Turkey—which opened not only new markets, but new seas to our commerce, where the star-spangled banner never before floated. All this was accomplished by *Martin Van Buren*, during the twenty-seven months which he remained in the office of Secretary of State, and conducted our relations with foreign governments. During this time, while the “star-spangled banner” was to be found in every port, and the sails of our vessels were whitening every sea, that flag was sufficient protection to an American in any part of the world.

In the month of June, 1831, Gen. Jackson yielded to the solicitations of Mr. Van Buren, and accepted his resignation as Secretary of State, and soon after appointed him Minister to Great Britain. The treaty which concluded our last war with England, had left many of the differences between the two countries unadjusted, and Mr. Van Buren was deemed by Gen. Jackson the most proper person to bring all the remaining vexed questions to a final and a speedy adjustment. With reluctance he accepted the trust. Immediately upon his

arrival in England, negotiations were opened with the British Minister; and while every thing seemed to favor the idea of their being brought to a speedy close, on terms equally honorable and advantageous to the United States, a factious federal Senate rejected his nomination, and he was of course recalled. The reason assigned by Clay, Webster, and their compeers in the Senate for this act, was a sentence contained in Mr. Van Buren’s instructions to the then Minister to England, relative to the colonial trade, and which, it was contended, compromised the honor of the country. Gen. Jackson, with the manly frankness so peculiar to that gallant old soldier, proclaimed himself the author of the objectionable paragraph, and that it was the only one which he had written or dictated, though he approved and endorsed the whole. Yet Daniel Webster, Henry Clay, and their aiders and abettors in the Senate, rejected Mr. Van Buren, for an act of which another—and one too whose word was never doubted—took the blame.—When the facts of the case were laid before the people, Gen. Jackson was not only justified in writing the objectionable paragraph, but the people endorsed it, not only as strictly true, but as right and proper.

As soon as Mr. Van Buren received the news of the blow aimed at his fair fame, and that political malice had rejected him, he returned home. As with one voice, the nation rose up in indignation to reverse the verdict of the Senate. The delegates to the democratic State Convention, which every second year meets in the Capital of Ohio, responding to the unanimous voice of their democratic brethren, nominated Mr. Van Buren as the candidate of the democracy for the Vice Presidency. Like wild-fire the word ran throughout the Union, and by acclamation other States responded to the nomination. Mr. Van Buren was elected Vice President, and Mr. Clay was defeated for President at the same time. The 4th day of March 1833, saw Martin Van Buren take the oath of office, which made him constitutionally the presiding officer of the very body which had rejected him; and thus was the fair fame of Martin Van Buren vindicated by the people, and thus was Clay and his compeers rebuked for their attempt to destroy him.

So low did that factious Senate sink the respect once due to that body, that Col. Benton, in his place in the Senate, and in commenting upon the course of Clay and his compeers, said, “the time was, when rejections by the Senate was fatal to character, but now they are passports to favor!”

The day that saw Martin Van Buren inaugurated President, proved the truth of Col. Benton's remark. He had been rejected as Minister to England, and Mr. Taney had, by the same men, been rejected as Secretary of the Treasury. Mr. Van Buren was sworn into office as President of the United States by Mr. Taney, who was then Chief Justice of the Supreme Court of the United States, the highest judicial officer of the country. Thus had retributive justice been dealt out, and thus had Clay and Ewing, and his other satellites, been rebuked.

So admirably well did Mr. Van Buren perform the duties incident to his new station—with so calm and unruffled a temper did he preside over the deliberations of the Senate, and so impartial were his decisions, that even party malice and bitter partizan feeling gave way, and praise was extorted from his enemies.

The Democratic National Convention, which met in the city of Baltimore, in May, 1835, and which was composed of delegates from most of the States and Territories of the Union, nominated Mr. Van Buren, without a dissenting voice, as the democratic candidate for President. He was elected, and on the 4th of March, 1837, was inaugurated as President of the United States.

The spirit of speculation had for some years previous to this time run wild in the country. Prices had been paid for real estate, in some cases more than twenty times the real value, and from one end of the country to the other, men seemed determined to grow rich by diving deep into the speculating mania, instead of pursuing the slower but surer means of industry. The banks of the different States, aided and encouraged by the Bank of the United States—the so-called *regulator of the currency*—had thrown out their paper promises to pay, without the means of redemption, and these being received by the Government in payment of the public lands, had added fuel to the flame of speculation which was running wild before. Gen. Jackson, with keen-sightedness, for which he is excelled by no man living, saw the ruin which was approaching, and determined, if possible, to stop it. In 1836, the celebrated specie circular was issued, by which all payments for public lands and for duties on goods imported into the United States were to be made in gold and silver. This circular had the desired effect of stopping the sale of the public domain to any but to actual settlers, and of the immense importation of foreign goods into the United States

To guard against future evils arising from this system of plunder—for it can be called by no gentler name—Mr. Van Buren recommended the passage of the Independent Treasury bill, which, towards the latter part of his Administration, became the law of the land.

No great measure, ever before acted upon by the people, is so little understood as this self-same Independent Treasury bill. The efforts of the federal party have been unceasing to mystify its provisions; and it is a fact, which should be borne in mind by persons seeking the truth, that notwithstanding the fierce assaults which have been made upon it by the whig press of Ohio—notwithstanding these sheets have teemed with speeches and long editorials and abusive epithets, but one solitary federal press in Ohio ever published the law. That paper was the "Ohio State Journal;" and, in a very short time thereafter, the editor, who published it, was driven by the federal leaders from the control of its columns.

The writer of this article professes to have studied the Independent Treasury bill, and to be well versed in its practical details, and in noticing the charge usually made against it, that of being beneficial to office holders, he avers, and challenges a denial, that so far from being beneficial to office holders, that the very reverse is true; for it imposes upon them a vast amount of additional labor, without one cent of additional pay.

Divested of all the falsehood which federalism had sought, and in many cases with success, to surround it, the Independent Treasury bill stands forth, a simple proposition to divorce the government from banks, which have shown themselves to be utterly dishonest, and which have signally failed in answering the purposes for which they were used. That union between the government and the banks, was a foul and an adulterous one, advantageous to neither, and certainly prejudicial to both.

The details of the law were well conceived, and until it was repealed, answered all the purposes for which it was enacted; and while in operation, not one single cent of the public money was either used by the officers or lost to the people. Thus easily are the safeguards of the bill explained, so far as they are applicable to the Government Land offices, and it is presumed, they apply equally as well in the collection of the revenue as in the selling of land.

A person under the provisions of the Sub-Treasury wishing to enter land, goes to the Register of the Land office and pro-

cures from him a description of the land, the number of acres, and a statement of the price he is to pay for it. This paper, called an application, he takes to the Receiver to whom he pays the money. For this money he takes two receipts, one of which he keeps, and the other he hands to the Register. On the back of the receipt given to the Register, the Receiver is obliged briefly to state, not only the amount of the purchase money, but the kind of funds which he received; if in bank notes, stating the names of the banks which issued the notes, and the amount for which it called—and if paid in bank notes and in gold and silver, the Receiver briefly states the amount received of each kind. When the purchaser receives the patent for his land, he restores to the Register the duplicate receipt which, until that time, he retains. The Register, on the authority of the Receiver's receipt which is placed in his hands, marks the land as sold, and charges the receiver with the money. At the end of every month, the Register forwards, with other papers, the Receiver's receipts—marked as aforesaid with the amount of purchase money—to the General Land Office in Washington city.

Before these receipts are sent off, the Register, under oath, is obliged, once in every month, and oftener if required by the Secretary of the Treasury, to count the money in the hands of the Receiver, and to furnish the Secretary of the Treasury, and the Treasurer of the United States, with a written account, not only of the amount, but the kind of funds in his possession, carefully giving the amount in gold, in silver, and in notes on each of the different banks. As a check on both the Register and Receiver, the Secretary of the Treasury is empowered to send an agent, at any time, to examine and count the funds, and under oath to make to him a statement of the same. As a further check, the Register is bound, at the end of each week, to make out three several statements of the land sold during the week, which he hands to the Receiver to transmit, one to the Secretary of the Treasury—one to the Treasurer of the United States, and the other to the Commissioner of the General Land Office. In like manner is the Receiver bound to make three statements similar to those of the Register, and which he hands to the Register, who transmits them to the same officers. The transmission of the statement of the Receiver, by the Register, and *vice versa*, is for the purpose of ensuring punctuality in making them out.

The Register, knowing as he always

does, the exact amount of land sold, is required, as soon as the money in the possession of the Receiver amounts to three-fourths of the amount for which the latter officer gave bond, is required to suspend all sales, until the Receiver exhibits to him evidence that he has either deposited the money according to law, or that it has been drawn from his hands by warrants from the Treasury.

When the Receiver makes a deposit of money, he takes duplicate receipts therefor, one of which he retains, and the other he mails to the Treasurer of the United States. These receipts carefully specify the kind of funds deposited—the amount in gold, the amount in silver, and the amount in notes of the different banks.—When a Treasury warrant is drawn on the Receiver, the person who receives the money, receipts for it on the back of the same, and in that receipt he also specifies the kind of money received, with the same particularity that is observed in other cases. These warrants, so receipted, are returned to the office where they were issued.

By the law it was an offence punishable by confinement in the Penitentiary for the Receiver to use funds belonging to the United States. Should he attempt to do so, he could not well fail of being found out, for the evidence in different shapes of the precise kind of money he received was to be found in the proper offices at Washington, as well as the kind which he paid out—and at any moment was he liable to have the money in his possession examined, and that too without one moment's warning.

Previous to the passage of this bill, the money received in payment of public lands, had been used for the purpose of speculation. That law at once cut off all hope of that kind, and hence the fierce denunciation of stock gamblers, land speculators, and other leeches on the public, who prefer to live by their wits, rather than by work. No man, honestly seeking the truth, can take up that law, and, after a careful examination of its provisions, and the instructions of the Secretary of the Treasury, say that there is anything wrong in it. The great objection to the law, in the minds of those who were foremost in its opposition, was because, in cutting the connexion between the Government and banks who had proved faithless to their trust, it also took from the speculator the means of gambling in State Stocks, and using the money of the people to monopolize the public land, and make the honest settler pay double price for it. The great

sin of the Independent Treasury law, had this extent. These facts will also explain why it was, that its provisions were so carefully kept from the public eye by the whig leaders.

Among the many charges made against Mr. Van Buren, in connexion with the Independent Treasury, was, that he was attempting to grasp alike the *sword and the purse* of the nation. By the Constitution, the President is the commander-in-chief of the army and navy, and with these, his enemies said, he wished to seize the treasure of the people. In making this charge, they sedulously kept concealed the fact, that neither the President or any of his officers, could draw a single cent from the Treasury without an express appropriation by law. At the very time that they were making these charges, a difficulty was apprehended with Great Britain, relative to the north-eastern boundary of the United States.—Congress was about adjourning, and so great was the confidence reposed in the sterling honesty and discretion of the President, that a bill was introduced into the United States Senate placing at his command TEN MILLIONS OF DOLLARS, and WITH POWER TO RAISE AN ARMY OF FIFTY THOUSAND MEN. *This bill passed the United States Senate without one single dissenting voice, and the House of Representatives by nearly a unanimous vote;* and thus did the very men who were railing out against Mr. Van Buren as a dangerous man, *absolutely place both the sword and the purse of the nation in his hands—* and thus did they give him the power to make war at pleasure, a power which never before was given to any man, not even to Washington, the beloved father of his country.

Despite their foul slanders, these men well knew that Martin Van Buren was a man in any emergency to be trusted. Cool, sagacious, and inflamed with an ardent love of his country and of her free institutions, they had, in the whole course of his life, a sufficient guaranty that power, in his hands, would never be abused. The result showed their wisdom. Great Britain, finding the United States prepared to resist aggression, lowered her lofty tone, and withdrew her arrogant demands. Though the power to do so was given him, yet not one dollar of that ten millions was expended, nor one single soldier out of the fifty thousand which he was authorized to raise, was ever enlisted. They had the same confidence in Mr. Van Buren, which Mr. Madison had during the war, when he selected him, from among the many able and

profound lawyers in the United States, to act as Judge Advocate when Gen. Hull was tried for treason to his country, in surrendering the American army at Detroit, to the British. The mention of the trial of Hull reminds us of an anecdote, which we will here relate, as illustrative of the reckless disregard of truth, with which the federal press assail Mr. Van Buren. Otway Curry, the editor of a federal paper in Xenia, Ohio, and who, during the campaign of 1840, ranked as one of the greatest of hard-cider poets, and who, since that time, has represented the district of which Union county forms a part, in the Ohio Legislature, published during the last summer, a long article against Mr. Van Buren, charging that Hull escaped conviction, because of the neglect and incompetency of Mr. Van Buren as Judge Advocate. Had the editor consulted the history of his country, he would have found that Hull *was convicted of treason*, and that he was *sentenced to death*; but in consideration of his revolutionary services, President Madison pardoned him. In making the charge, the editor hoped to injure Mr. Van Buren, but failed. The conclusion is a fair one, as Hull was convicted, that Mr. Van Buren performed his duty well; for, according to Mr. Curry, had he failed in doing so, the verdict of the jury would have been, not guilty. Thus does malice frequently have an effect opposite to that intended.

During the contest of 1840, there was one charge made against Mr. Van Buren, which, among the unthinking, produced its effect, and which the whole course of his life, as well as his acts, private as well as official, brand as entirely destitute of foundation in truth. The charge is, that Mr. Van Buren is an enemy of the working men, and of their interests. In a campaign where reason and argument had their usual effect, the friends of Mr. Van Buren could have pointed, and that too with pride, to his whole life, as furnishing an ample refutation of this base libel. It is not our intention to devote paragraph after paragraph to prove false the base slanders of the whig press and of stump speakers, but we will merely state one fact, which brands this charge as basely false. From the moment of Mr. Van Buren's entrance into public life to the present hour, his warmest—his most efficient and untiring supporters, have been the working men. In the stormy political conflicts, it was they who rallied around, defended and supported him, against the fierce assaults of the stock gamblers, the water lot speculators, and the rest of that tribe of non-producers

who live by their wits, upon the labor of others, and who are now, as they have ever been, his natural and implacable enemies. The reason why this is now, and has ever been the case, is most obvious. The principles of Mr. Van Buren favor not that state of things upon which non-producers thrive and fatten. Like Mr. Jefferson, he has "sworn, upon the altar of his country, eternal hostility to every kind of tyranny over the mind of man;" and he is always prompt in his opposition to those laws which build up princely fortunes for the few at the expense of the many—and which makes hewers of wood and drawers of water of the working million, for the benefit of those who toil not.

The following extracts from a letter, written in answer to one addressed by a committee of working men of Philadelphia to Mr. Van Buren, while President, serves to show not only his feelings towards the mechanics, but how carefully their interest was guarded while he occupied the Chair of State:

"In the distribution of wealth, resulting from the union of labor and capital, it is too often the case that an undue portion falls to the share of the latter. The discontinuance of partial legislation, which I have always advocated, would be an important step towards correcting this iniquity.

"It has been my design to keep these objects constantly in view. So far from being in favor of reducing the wages of labor, or attempting to render the services required disproportionate to the rewards received, it cannot be unknown to you that what is called the ten hour system, originally devised by mechanics and laborers themselves, has, by my direction, been adopted, and uniformly carried out at all the public establishments; and this mitigation of labor has been accompanied by no corresponding reduction of wages.

"I also caused it to be distinctly intimated in the month of March last, to the officers of such of these establishments as might contemplate a reduction of wages, that, in my opinion, the present uncertain state of things, which, it is believed, results from circumstances that cannot be permanent in their operation, does not present a just and proper basis for a reduction of wages.

"I am far from wishing to contribute in the slightest degree to the embarrassments and depressions of the laboring classes. It is, on the contrary, my most earnest and constant desire, that their industry should every where, and at all times, be amply rewarded, and that the blessing of plenty should be liberally diffused among those who contribute most to their production."

In the contest of 1840, Mr. Van Buren was defeated for the Presidency. The remembrance of the demoralization of that campaign—when hard cider debauchery, coon-skins and log cabins were made to take

the place of reason and of arguments—is still too fresh to render necessary a recapitulation here. The people well remember the promises made by the federal leaders, and they remember, too, how these promises were broken. They too remember—for they cannot forget it—how studiously all the high-toned federal measures of the whig party were kept out of view, and how bitterly it was denied that they formed any portion of the whig creed; and when they got into power, it is also remembered, how soon those measures were brought forward by the federal majority in Congress, and acted upon. It will also be recollected how all the plans of the federal leaders were thwarted—how discord and confusion were thrown upon their councils—and how, in the hour of his triumph, Gen. Harrison was borne to his grave.—Other and heavy strokes have fallen upon that party. Death has been in their midst, and many of their leaders have been hurried from earth to that bourne from whence no traveller has ever returned. The Vice President—and upon whom the Presidency devolved when Gen. Harrison died, and who, in 1840, the federal leaders rallied to the support of "without a why or wherefore," and whom they called "*honest John Tyler*"—has been the object of unceasing attack and the vilest vituperation. The democratic party, though defeated in that contest, have again rallied in defence of their principles, and State after State have again ranged themselves under the democratic banner, and on the democratic platform.

Immediately after his defeat, Mr. Van Buren retired to his native village, where, in the improvement of his farm, he has spent the last three years. Believing that, as he fell with democratic principles, he should rise with them, he has been placed, by his friends, as a candidate again for the Presidency in 1844. None who witness the enthusiasm which his name excites, and who have marked the almost unanimous nomination which he has received in the different States, can doubt but that again he will be the chosen one who, in the coming contest, is to bear the standard of democracy, and none doubt his triumphant election. If his life be spared—and, judging from the temperance of his habits, and the soundness of a constitution free from all the evils arising from excesses in early life, he will yet have many years allotted to him on earth—his election in 1844 is regarded as an event certain to happen; for

"Truth, crushed to earth, will rise again,
The eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies amid her worshippers!"

MR. VAN BUREN'S TARIFF OPINIONS.

The Tariff opinions of Mr. Van Buren having been much misrepresented, we are induced to give the following extracts from his Indiana letter, for the purpose of setting this matter at rest.

"My views in relation to the *Protective System*, were called for by the Shocco Springs meeting in 1832, and freely given. A conviction that the establishment of commercial regulations with a view to the *encouragement of domestic interests*, is within the constitutional power of Congress, was on that occasion distinctly avowed. But, holding this opinion, *I at the same time denied the propriety of exercising this power in a manner calculated to OPPRESS any portion of my fellow-citizens, or to advance the interests of ONE SECTION of the Union at THE EXPENSE of ANOTHER.* I, on the contrary, affirmed it to be the duty of those who are entrusted with the administration of the Federal Government, to direct its operations in the manner best calculated to distribute as **EQUALLY AS POSSIBLE** its burthens and blessings among the several States and the people thereof. In addition to the declaration of these general views, I suggested more specific rules for the action of the government in this particular, by the observance of which I believed those views would be most likely to be carried into fair effect.

"More than ten years have elapsed since that communication was made; and during that entire period, the people of the U. S. have paid large amounts of duties, avowedly imposed for the encouragement and protection of domestic manufactures, with gradual reductions according to the provisions of the compromise act of 1833. The unbiased sentiment of the country, in respect to what is under such circumstances the proper rule for legislative action upon this subject, has, I think, by the course of events and the progress of opinion, been brought to the conclusion, briefly expressed in one of the resolutions of your convention, viz: 'A discriminating tariff for revenue purposes only, and which will incidentally PROTECT AMERICAN INDUSTRY.'

"But as experience has shown that the terms employed by your convention are not always used in the same sense, it is due as well to the subject and the occasion as to myself, that I should give you, without reserve, my own understanding of them.

"Adequate revenue, for the support of all Governments, must be derived from some source. It has no where been found an easy task to preserve equality in raising it, and at the same time to overcome the general repugnance to the payment of taxes in any shape—a repugnance arising more from an apprehension that their avails will not be wisely applied, than from an unwillingness on the part of the people to sustain their government by the necessary contribution. All must agree that taxes should be imposed with fair and full reference to the advantages derived from the existence of good government, by those who pay them. Those advantages may in general terms be justly described as resulting from an ample security in the enjoyment of our personal rights and rights of property, with adequate safe-guards against internal commotion and foreign aggression. In respect to the immunities of the person, and civil and religious freedom, the interest as well as the immediate advantages of all are equal. Not so with the other privileges secured to us by our free government. The unavoidable disparity in the pecuniary condition of our citizens makes the degree of benefit they respectively derive from the maintenance of an efficient government over property and the rights of property, essentially

different. The modes of raising revenue allowed to, and adopted by the State governments, are generally graduated by this disparity. If the results are not always equitable, the fault, it is believed, will in most cases be found in their action upon the principle, rather than in the principle itself. The right to raise revenue for its support, by the imposition of duties in lieu of direct taxation, is, by the constitution, subjected to the exclusive control of the Federal Government. This right, subject to the limitations imposed by the grant, was given to it for that purpose, and has been freely exerted by it since its establishment. It would afford me much pleasure to be able to say that the exercise of this power has borne as equally upon all classes of the people, however unequally their pecuniary conditions, as the taxes imposed by State governments. But this cannot with truth be said. Nor is the inequality unavoidably resulting from the Federal mode of collecting taxes a new discovery. It was foreseen and objected to when the power was conferred, as an evil inherent in the system, which could not fail to show itself in its operation, and the injustice of which no form of legislation, however it might be made to mitigate, could ever be able to remove. The advocates of the system were notwithstanding reconciled to it by a belief, no doubt sincerely entertained, that the inequalities which it was feared would result from the collection of duties upon imported articles, would be prevented by the fact that the consumption would be in proportion to the means of the consumer. It was upon this ground that the principle was defended. That this expectation has not been realized, is undeniably true. There are but few, if any, who cannot, in their immediate vicinity, point out numerous instances in which *poor men with large families are actually obliged to pay more for the support of the Federal Government, than others who are in affluent circumstances, but are either without, or have smaller families;* and few, if any countervailing examples are to be found. At the same time, the *great body of wealth invested in incorporated or associated companies, and in bonds and notes, entirely escape Federal taxation.* The mass of the people seem, nevertheless, to prefer this mode of collecting the revenues. Paying their taxes in the form of an increased price upon the commodities they buy, their contribution loses, in their estimation, much of the odium that would be attached to it, if severed from the price of the article, and converted into a tax by name, as it is in fact. It also wears the appearance of a voluntary contribution, although its payment is for the most part as unavoidable as a compulsory imposition would be. It is supported, too, by the odium which was attached to the imposition of direct taxes many years since, for purposes which were not approved by the people, and by the fact that in most of the States the taxes are direct; rendering it for that reason desirable to substitute some other mode of raising revenue for the Federal Government. These and other considerations have given to the impost a preference in the public mind which would render the imposition of direct taxes in time of peace exceedingly odious, and have produced as great a degree of unanimity in favor of a tariff for revenue as can ever be expected upon a public question. Of the great mass of opponents to a protective tariff,

there is not, so far as I know, a single State or district that has taken ground against a revenue tariff.

"Let us now for a moment look at the advantages which the manufacturing interest, above any other, derives from a tariff imposed for revenue only. The first tariff bill, passed in 1789, and all those that followed it between that period and the war, were, in fact, notwithstanding the recitals in some of them, revenue bills.

"The average amount of the imposts under them, commencing at 12½ per cent., was gradually increased from that to 15 and up to 20 per cent. At the latter average it stood from 1800 to 1808, and until the commencement of preparations for war. Twenty per centum, upon an average, appears, in the judgment of those best acquainted with the subject here and elsewhere, to be the rate best adapted for revenue. It is the amount also to which it was the design of the Compromise Act to reduce the Tariff, and one which ought certainly not to be exceeded, except when absolutely necessary for revenue, and likely, from the state of the country, to effect this object. The rate to which all parties appear willing to go under the existing condition of the Treasury, and to continue it until that condition is sufficiently improved to justify a reduction, is, I believe, an average of 25 per cent. To this duty is to be added the charges upon imported articles arising from the costs of transportation from Europe, consisting of freight, insurance, the expenses of agencies, or profits to successive holders, and cash duties, which are estimated by those who understand the matter better than I do, at not less than 10 per cent.—making, if the average rate of duties is 25 per cent., an amount of charges upon imported articles, before they are placed in our market upon a par with similar articles manufactured here, equal to 35 per cent., and if the average duty is 20 per cent. to 30 per cent. If the foreign article is notwithstanding brought in, and a competition entered into with home manufacturers, these duties and charges operate, whilst the competition lasts, as a protection to the domestic manufacturer, equal to their sum—giving him by so much the advantage, in the sale of his commodities, over the importer; and if the effect of these charges is to prevent the importation of such articles altogether, they then give him an entire monopoly of the home market. These are the direct advantages which result to the *manufacturing interest* from the raising of revenue by the imposition of duties upon imports, instead of direct taxation.

"Let us next consider whether the other great interests of the country derive any, and if any, what direct advantages, from this mode of collecting the public revenue. I do not profess to be as well acquainted with the progress and probable results of our fiscal operations, upon trade and labor, as those who, by their pursuits in life, have enjoyed greater advantages for acquiring this kind of information, I give you, in answer to your inquiries, the best views that I am able to take of the subject. If I fall into errors, they will certainly be unintentional, and as certainly be corrected by those who are better informed. And first, as relates to THE AGRICULTURAL, THAT GREATEST OF ALL INTERESTS. It is certainly true, that in the formation of our tariff, duties varying in amount are also imposed upon the same articles which constitute the staple productions of the country, when imported from abroad; but it is not equally true that the effect of that imposition, in respect to the protection thereby afforded to the domestic production of them, is for the most part nominal. When we look at the comparatively small amount of duties received at the treasury upon the importation

of the important articles, beef, pork, flour, various kinds of grain, cotton, rice, tobacco, wool, &c., &c., contrasted with that collected upon the importation of manufactured articles, we cannot but be sensible that this is so. The farmer and planter, it is true, enjoy, and to a great degree without competition with foreign producers, our own market for the sale of most of the fruits of their labor; but it is a security derived chiefly, if not altogether, from natural causes, for which nobody pays, and which derives but little aid from legislation. It is, on the contrary, to the nature of our climate, the enterprise and industry of our citizens, the character of our soil, and extent of our territory, with other facilities for the easier and cheaper growth of agricultural products here, that the agriculturalist is chiefly indebted for his protection against foreign competition. To foster the interests of commerce and navigation, has been the object of the Federal Government; and much has certainly been done to accomplish it, through the instrumentality of salutary laws and treaty stipulations. Respect has also been very generally had to these interests, and more particularly that of navigation, even in our revenue bills, by low duties, or exemption from duties, upon articles necessary and useful to them; but it will not, I believe, be contended in any quarter, that the prosperity of either of these great interests is essentially advanced by a protective or a revenue tariff. THAT THE GREAT BODY OF THE MECHANICS AND LABORERS IN EVERY BRANCH OF BUSINESS WHOSE WELFARE SHOULD BE AN OBJECT OF UNCEASING SOLICITUDE ON THE PART OF EVERY PUBLIC MAN, HAVE BEEN THE GREATEST SUFFERERS BY OUR HIGH PROTECTIVE TARIFFS, and would continue to be, if that policy is persisted in, is to my mind too clear to require farther elucidation.

"If these views are correct, and in all essential particulars I cannot doubt their being so, it is apparent that the manufacturing interest derives an advantage from the collection of the revenues of the federal Government through the custom houses, instead of their being obtained by the mode of taxation adopted by the States, incomparably greater than any other of the important interests of the country—indeed, than all of them put together.—That this advantage consists in a preference in the American market over their foreign competitors, of not less than 30 per cent. when the revenue standard is reduced to an average of 20 per cent., and liable to be increased, as before stated: That it is enjoyed by virtue of a tariff, the collection of the duties imposed by which, whilst it subjects all to taxation, invariably and almost inevitably bears with equal severity upon a very large, and unhappily, in general, a necessitous portion of the people—a protection the indirect advantages of which to other interests, even under a tariff for protection, are as much the subject of doubt and dispute as they ever were; but for which those concerned in other pursuits have, for a long series of years, paid in advance, and received their equivalent in promises, of the performance of which they are not, and do not seem likely to be soon satisfied.—This advantage to the manufacturer is not, it is true, the object of, but only incidental to, a tariff for revenue. Still it is not, on that account, the less beneficial to him.

"The position assumed by your convention, and in which I fully concur, is, *that the incidental protection thus derived, is all the legislative favor which can at this day be conferred upon the manufacturer without great injustice to other interests.* The expediency of the adoption by Congress, at any time, of temporary measures of retaliation, when likely to be effectual in counteracting foreign legislation

injurious to American interests, is a question involving different considerations.

"We have it from quarters entitled to respect, that the most considerate of the domestic manufacturers are satisfied with this measure of protection; that, tired of having their peculiar interests embarked in political contests, resulting at one time in an excess of duties which tempts to an undue and ruinous increase of capital in their business, and, at others, under the deep and excited feelings which perpetual controversy engenders, in sudden and great reductions, equally injurious; that, conscious of the extent to which, for more than a quarter of a century, they have engrossed the time and attention of the National Legislature and of the people, and of the millions upon millions which have, during that time, been collected from the latter, avowedly to facilitate and give special advantages to the particular pursuit in which they are engaged, not only to the exclusion of, but at the immediate cost of those of others; and sensible, as the most observing amongst them must be, that the period has passed away when the tariff designed for protection can be kept up in this country, without doing more injury to every interest, by the convulsions and revolutions which it cannot fail to produce in public opinion, than it can confer benefit on theirs—they would themselves prefer that the protection secured to them by the legislation of Congress should be confined to that which is incidentally derived from a revenue tariff. So far as certainty in their condition—a matter of inestimable importance—is concerned, it is the only course by which even an approach to its accomplishment can be hoped for.—To all present appearances, the acquiescence in a tariff for revenue, now so general, may, in the absence of special excitement, endure for a period as long as is commonly embraced in calculations of business. It cannot, however, have escaped the attention of the manufacturers, that, although no State or district of country may yet have taken ground against this mode of raising revenue for the support of Government, there are not wanting thousands of vigorous intellects, in every section of our extended country, who, penetrated by a deep sense of the inequality and consequent injustice of its operation, are applying all the energies of their minds to the overthrow of the system itself. They cannot be ignorant, either, of the fact, that a prejudice against direct taxation, springing, in some degree at least, from a supposed abuse of the power in times past, may yield to time and reflection, or may be supplanted by a new and stronger antipathy. And what could be more likely to awaken popular aversion, than the sight of a great and affluent interest in the country, standing out amid the general gloom, pertinaciously exerting its influence in the councils of the nation, not only to save itself from the misfortunes which had overtaken all other classes, but to secure its own aggrandizement by new and unjust impositions on a community already borne to the earth by the adverse course of events. Individuals and their families may be (and in other countries are) permanently billeted on the public coffers; but all experience has shown that, with us at least, it is not in the power of the Government to secure permanent advantages to the business pursuits of one class over those of all others. The very patronage which is thus unduly received, has a tendency to relax the exertions, and to dissipate the prudence of its recipients; and if the spirit of monopoly is not in this way defeated, it is sure to be brought down, in the end, by the controlling power of an excited and enlightened public senti-

ment. I do, therefore, sincerely hope that the disposition which is attributed to a portion, at least of the manufacturing interests, does, in fact, exist, and that it will soon become general. By whether it be so or not, the principle advanced by your convention is, without doubt, the true one for our future government.

"When the convention speak of a discriminating tariff for revenue, I understand them as referring to discrimination below the maximum rate of duties upon imported articles, not designed to increase the protection already afforded to domestic manufacturers, but to carry out views of policy different in their character, and which may properly be embraced in such a measure.

"OF THE CONSTITUTIONAL POWER TO MAKE DISCRIMINATIONS, I HAVE NO DOUBT. Equally clear it is that the practice of making them has existed from the commencement of the Government, and constitutes a feature in every principal tariff bill which is to be found on our statute book. They are, indeed, dispensable to the successful operation of every revenue bill, whether the design be to guard against smuggling, on the one hand, where the nature of the article is such as to afford facilities for that practice; or, on the other, to prevent loss to the treasury, by the imposition of duties higher than the value of the article will bear, and thus prohibiting its introduction into the country. If it be at any time deemed necessary or conducive to the safety of the country to encourage the manufacture at home of the articles necessary to its defence in war, nothing can be more proper than to do so by discrimination in favor of their domestic manufacture, inasmuch as the object in view is to promote the safety of ALL AT THE EXPENSE OF ALL. Discriminations have constantly been made in favor of articles imported for the use of philosophical or literary societies, for the encouragement of the fine arts, or for the use of seminaries of learning, specimens in natural history, animals imported to breed, &c., &c., &c.—all founded on the same principle in respect to the universality of the benefits designed to be secured at the common expense. But, above all, is the power to make them of inestimable importance, as the only means of relieving the poorer classes from the unequal operation of this mode of collecting the public revenues, and of partially realizing Mr. Jefferson's beautiful idea of a wise and frugal government—one which shall "restrain men from injuring one another, and shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." The man of wealth, when he pays a tax, in the form of impost, which enures incidentally to the advancement of a special interest in which he is not concerned, is in a degree reconciled by the reflection, that, if the amount paid was not collected in this form, it would be assessed upon him in another—by which the amount of his contribution, in comparison with that of his less affluent neighbors, would be materially enhanced. BUT TO THE POOR MAN, NO SUCH CONSOLATION IS AFFORDED. The system which operates thus favorably to his more fortunate neighbor, increases his taxes in an inverse ratio to his ability to pay. Every additional mouth that he has to feed, adds to the contribution he is obliged to make for the support of Government. It is only by discriminations in favor of articles necessary to his comfort, that the injustice to which he is exposed can be mitigated. It is therefore a power, the constant and faithful exercise of which is, in my judgment, demanded for considerations of justice, humanity, and sound policy.

MARTIN VAN BUREN."

Sad Myers's life of
Henry Clay etc 61



H. Clay.

Greeley & M^c Elrath, Tribune Buildings N York.

THE LIFE AND PUBLIC SERVICES OF HENRY CLAY.

CHAPTER I.

Birth and Parentage—His early days—The Mill-boy of the Slashes—Studies Law—Hears Patrick Henry—Removes to Kentucky—Debut at a Debating Society—Becomes a successful Practitioner—Cases in which he distinguishes himself—He advocates the policy of gradually Emancipating the Slaves in Kentucky—Opposes the Alien and Sedition Laws—Is elected to the General Assembly—Instances of his Eloquence—Affair with Col. Davies—Appears at the Bar for Aaron Burr—Subsequent Interview with Burr in New-York.

HENRY CLAY is a native of Hanover county, Virginia. He was born on the 12th of April, 1777, in a district of country familiarly known in the neighborhood as the *Slashes*. His father, a Baptist clergyman, died during the revolutionary war, bequeathing a small and much embarrassed estate and seven children, of whom Henry was the fifth, to the care of an affectionate mother. The surviving parent did not possess the means to give her sons a classical education; and the subject of our memoir received no other instruction than such as could be obtained in the log-cabin school-houses, still common in the lower parts of Virginia, at which spelling, reading, writing and arithmetic are taught.

In 1792, his mother, who had become united, in a second marriage, with Mr. Henry Watkins, removed to Woodford county, Kentucky, taking all her children, with the exception of Henry and his oldest brother. It was always a subject of regret with Mr. Clay, that he was deprived at so early an age of his mother's counsel, conversation and care. She was a woman of great strength of mind, and was tenderly attached to her children.

He had been only five years old when he lost his father; and, consequently, his circumstances in early life, if not actually indigent, were such as to subject him frequently to hard manual labor. He has ploughed in cornfields, many a summer day, without shoes, and with no other clothes on than a pair of Osnaburg trowsers and a coarse shirt. He has often gone to mill with grain to be ground into meal or flour; and there are those who remember his youthful visits to Mrs. Darricott's mill, on the Pamunkey river. On such occasions he generally rode a horse without a saddle, while a rope sup-

plied the place of a bridle. But in the absence of a more splendid equipment, a bag containing three or four bushels of wheat or corn was generally thrown across the horse's back, mounted upon which the future statesman would go to mill, get the grain ground, and return with it home.

At the age of fourteen, he was placed in a small retail store, kept by Mr. Richard Denny, near the market-house in the city of Richmond. He remained here till the next year, (1792,) when he was transferred to the office of the Clerk of the High Court of Chancery, Mr. Peter Tinsley. There he became acquainted with the venerable Chancellor Wythe, attracted his friendly attention, and enjoyed the benefit of his instruction and conversation. The Chancellor being unable to write well, in consequence of the gout or rheumatism in his right thumb, bethought himself of employing his young friend as an amanuensis. This was a fortunate circumstance for the fatherless boy. His attention was thus called to the structure of sentences, as he wrote them down from the dictation of his employer; and a taste for the study of grammar was created which was noticed and encouraged by the Chancellor, upon whose recommendation he read Harris's *Hermes*, Tooke's *Diversions of Purley*, Bishop Lowth's *Grammar*, and other similar works.

For his handwriting, which is still remarkably neat and regular, Mr. Clay was chiefly indebted to Mr. Tinsley. Chancellor Wythe was devoted to the study of Greek. He was at one time occupied in preparing reports of his decisions, and commenting upon those of the Court of Appeals, by which some of his were reversed; and in this work he was assisted by his amanuensis. After the reports were published, he sent copies to Mr. Jefferson, John Adams, Samuel Adams, and others. In these copies he employed Henry Clay to copy particular passages from Greek authors, to whom references had been made. Not understanding a single Greek character, the young copyist had to transcribe by imitation letter after letter.

Leaving the office of Mr. Tinsley the latter part of 1796, he went to reside with the late Robert Brooke, Esq., the Attorney General, formerly Governor of Virginia. His only regular study of the law was during the year 1797, that he lived with Mr. Brooke; but it was impossible that he should not, in the daily scenes he witnessed, and in the presence of the eminent men whom he so often heard and saw, be in the way of gathering much valuable legal information. During his residence of six or seven years in Richmond, he became acquainted with all or most of the eminent Virginians of the period, who lived in that city, or were in the habit of resorting to it—with Edmund Pendleton, Spencer Roane, Chief Justice Marshall, Bushrod Washington, Wickham, Call, Copeland, &c. On two occasions, he had the good fortune to hear Patrick Henry—once, before the Circuit Court of the United States for the Virginia District, on the question of the payment of the British debts; and again before the House of Delegates of Virginia, on a claim of the supernumerary officers in the service of the State during the Revolutionary War. Mr. Clay remembers that remarkable man, his appearance and his manner, distinctly. The impression of his eloquent powers remaining on his mind is, that their charm consisted mainly in one of the finest voices ever heard, in his graceful gesticulation, and the variety and force of expression which he exhibited in his face.

Henry Clay quitted Richmond in November, 1797, his eldest brother having died while he yet resided in that city. Bearing a license from the Judges of the Virginia Court of Appeals to practise law, he established himself in Lexington, Kentucky. He was without patrons, without the countenance of influential friends, and destitute of the means of paying his weekly board. "I remember," says he, in his speech of June, 1842, at Lexington, "how comfortable I thought I should be, if I could make £100 Virginia money per year; and with what delight I received the first fifteen shilling fee. My hopes were more than realized. I immediately rushed into a lucrative practice."

Before assuming the active responsibilities of his profession, he devoted himself with assiduity several months to his legal studies. Even at that period the bar of Lexington was eminent for its ability. Among its members were George Nicholas, James Hughes, John Breckenridge, James Brown, William Murray, and others, whose reputation was sufficient to discourage the most stout-hearted competition. But true genius is rarely unaccompanied by a consciousness of its power; and the friendless and unknown youth from Virginia fearlessly entered the field, which, to a less intrepid spirit, would have seemed pre-occupied. He soon commanded consideration and respect. He was familiar with the technicalities of practice; and early habits of business and application, enabled him to effect an easy mastery of the cases entrusted to his charge. His subtle appreciation of character, knowledge of human nature, and faculties of persuasion, rendered him peculiarly successful in his appeals to a jury; and he obtained great celebrity for his adroit and careful management of criminal cases.

An anecdote is related of him about the time of his first entrance upon his profession, which shows

that, notwithstanding his fine capacities, he had some native diffidence to overcome before they were fairly tested. He had joined a debating society, and at one of the meetings the vote was about to be taken upon the question under discussion, when he remarked in a low but audible whisper, that the subject did not appear to him to *have been exhausted*.

"Do not put the question yet—Mr. Clay will speak," exclaimed a member, who had overheard the half-hesitating remark.

The chairman instantly took the hint, and nodded to the young lawyer in token of his readiness to hear what he had to say. With every indication of extreme embarrassment, he rose, and, in his confusion, began by saying: "*Gentlemen of the Jury*"—unconsciously addressing his fellow-members as the tribunal, to which he had perhaps often made imaginary appeals in his dreams of a successful début at the bar. His audience did not add to his agitation by seeming to notice it, and, after floundering and blushing for a moment or two, and stammering out a repetition of the words "*Gentlemen of the Jury*," he suddenly shook off all signs of distrust and timidity, and launched into his subject with a promptitude and propriety of elocution, which excited general surprise.

To those familiar with the perfect self-possession of Mr. Clay's manner in after life upon all occasions, the most trying and unexpected, this instance will present an amusing contrast; for the evidence is not on record of his ever having failed for an instant in his resources of repartee or of argument in debate.

Shortly after this early essay in public speaking, he was admitted as a practitioner before the Fayette Court of Quarter Sessions, a court of general jurisdiction. Business soon poured in upon him, and during the first term he had a handsome practice. His manners and address, both in personal intercourse and before a jury, were unusually captivating. Frank in avowing his sentiments, and bold and consistent in maintaining them, he laid the foundation of a character for sincerity and honor, which amid all the shocks of political changes and the scurrility of partizan warfare, has never been shaken or tainted. In the possession of these attributes, beyond the reach of cavil or of question, is to be found the secret of that inalienable attachment among the vast body of his friends, which has followed him throughout his career.

One of the most important cases, in which Mr. Clay was engaged during the first three or four years of his professional life, was that in which he was employed to defend a Mrs. Phelps, indicted for murder. This woman was the wife of a respectable farmer, and until the time of the act for which she was arraigned, had led a blameless and correct life. One day, in her own house, taking some offence at a Miss Phelps, her sister-in-law, she levelled a gun, and shot her through the heart. The poor girl had only time to exclaim, "Sister, you have killed me," and expired. Great interest was excited in the case, and the Court was crowded to overflowing on the day of trial. Of the fact of the homicide there could be no doubt. It was committed in the presence of witnesses, and the only question was to what class of crimes did the offence belong. If it were pronounced murder in the first degree, the life of the wretched prisoner would be the forfeit; but, if manslaughter, she

would be punished merely by confinement in the gaol or penitentiary. The legal contest was long and able. The efforts of the counsel for the prosecution were strenuous and earnest; but Mr. Clay succeeded not only in saving the life of his client, but so moved the jury in her behalf by his eloquence, that her punishment was made as light as the law would allow. He gained much distinction by the ability he displayed in this case, and thenceforth it was considered a great object to enlist his assistance in all criminal suits on the part of the defendant. It is a singular fact, that in the course of a very extensive practice in the courts of criminal jurisprudence, and in the defence of a large number of individuals arraigned for capital offences, he never had one of his clients sentenced to death.

Another case, in which he acquired scarcely less celebrity, was shortly afterward tried in Harrison County. Two Germans, father and son, had been indicted for murder. The deed of killing was proved to the entire satisfaction of the Court, and was considered an aggravated murder. Mr. Clay's efforts were therefore directed to saving their lives. The trial occupied five days, and his closing appeal to the jury was of the most stirring and pathetic description. It proved irresistible, for they returned a verdict of manslaughter. Not satisfied with this signal triumph, he moved an arrest of judgment, and, after another day's contest, prevailed in this also. The consequence was, that the prisoners were discharged without even the punishment of the crime, of which the jury had found them guilty.

An amusing incident occurred at the conclusion of this trial. An old, withered, ill-favored German woman, who was the wife of the elder prisoner, and the mother of the younger, on being informed of the success of the final motion for an arrest of judgment, and the consequent acquittal of her husband and son, ran toward the young advocate, in the excess of her gratitude and joy, and throwing her arms about his neck, kissed him in the eyes of the crowded court. Although taken wholly by surprise, and hardly flattered by blandishments from such a source, young Clay acquitted himself upon the occasion, with a grace and good humor, which won him new applause from the spectators. All great emotions claim respect; and in this instance so far did the sympathies of the audience go with the old woman as to divest of ridicule an act, which, in the recital, may seem to have partaken principally of the ludicrous.

Notwithstanding his extraordinary success in all the criminal suits entrusted to him, the abilities displayed by Mr. Clay at this period in civil cases were no less brilliant and triumphant. In suits growing out of the land laws of Virginia and Kentucky, he was especially distinguished; rapidly acquiring wealth and popularity by his practice. It is related of him, that on one occasion, in conjunction with another attorney, he was employed to argue, in the Fayette Circuit Court, a question of great difficulty—one in which the interests of the litigant parties were deeply involved. At the opening of the court, something occurred to call him away, and the whole management of the case devolved on his associate counsel. Two days were spent in discussing the points of law, which were to govern the instructions of the Court to the jury, and

on all of these points, Mr. Clay's colleague was foiled by his antagonist. At the end of the second day, Mr. Clay re-entered the Court. He had not heard a word of the testimony, and knew nothing of the course which the discussion had taken; but, after holding a very short consultation with his colleague, he drew up a statement of the form in which he wished the instructions of the Court to be given to the jury, and accompanied his petition with a few observations, so entirely novel and satisfactory, that it was granted without the least hesitation. A corresponding verdict was instantly returned; and thus the case, which had been on the point of being decided against Mr. Clay's client, resulted in his favor in less than half an hour after the young lawyer had entered the Court-house.

For an enumeration of the various cases in which Mr. Clay was about this time engaged, and in which his success was as marked as his talents were obvious, we must refer the curious reader to the records of the Courts of Kentucky, and hasten to exhibit the subject of our memoir on that more extended field, where his history began to be interwoven with the history of his country, and a whole nation hailed him as a champion worthy of the best days of the Republic.

As early as 1797, when the people of Kentucky were about electing a Convention to form a new Constitution for that State, Mr. Clay may be said to have commenced his political career. His first efforts were made on behalf of human liberty, and at the risk of losing that breeze of popular favor, which was wafting on his bark bravely toward that haven of worldly prosperity and renown.

The most important feature in the plan for a new Constitution, submitted to the people of Kentucky, was a provision for the prospective eradication of slavery from the State by means of a gradual emancipation of those held in bondage. Against this proposal a tremendous outcry was at once raised. It was not to be questioned that the voice of the majority was vehemently opposed to it. But young Clay did not hesitate as to his course. In that spirit of self-sacrifice, which he has since displayed on so many occasions, in great public emergencies, without stopping to reckon the disadvantages to himself, he boldly arrayed himself on the side of those friendly to emancipation. In the canvass, which preceded the election of members of the Convention, he exerted himself with all the energy of his nature in behalf of that cause, which he believed to be the cause of truth and justice. With his voice and pen he actively labored to promote the choice of Delegates who were pledged to its support. He failed in the fulfilment of his philanthropic intentions, and incurred temporary unpopularity by his course. Time, however, is daily making more apparent the wisdom of his counsel.

Mr. Clay has not faltered in his views upon this great question. They are now what they were in 1797. In maintaining the policy of this scheme of gradual emancipation he has ever been fearless and consistent. Let it not be imagined, however, that he has any sympathy with that incendiary spirit which would seem to actuate some of the clamorers for immediate and unconditional abolition at the present time. His views were far-sighted, statesman-like and sagacious. He looked to the general

good, not merely of his contemporaries but of posterity; and his plan stretched beyond the embarrassments of the present hour into the future. A more just, practicable and beneficent scheme than his, for the accomplishment of a consummation so devoutly to be wished by humanity at large, could not have been devised.

It resembled that adopted in Pennsylvania in the year 1780 at the instance of Dr. Franklin, according to which, the generation in being were to remain in bondage, but all their offspring, born after a specified day, were to be free at the age of twenty-eight, and, in the mean time, were to receive preparatory instruction to qualify them for the enjoyment of freedom. Mr. Clay thought, with many others, that as the slave States had severally the right to judge, every one exclusively for itself, in respect to the institution of domestic slavery, the proportion of slaves to the white population in Kentucky at that time was so inconsiderable, that a system of gradual emancipation might have been adopted without any hazard to the security and interests of the commonwealth.

Recently a charge was made by the principal opposition paper at the South, that Mr. Clay had joined the Abolitionists; and the ground of the charge was the averment that he had written a letter to Mr. Giddings, of Ohio, approving the leading views of that party. Upon inquiry, it appeared, however, that the letter was written by Cassius M. Clay, a namesake. In noticing the erroneous statement, Mr. Clay remarked, in a letter to a friend—"I do not write letters for different latitudes. I have but one heart, and one mind; and all my letters are but copies of the original, and if genuine, will be found to conform to it, wherever they may be addressed."

Would that every candidate for the Presidency might say this with equal sincerity and truth!

Notwithstanding the failure of his exertions in arresting the continuance of negro servitude in Kentucky, Mr. Clay has never shrunk from the avowal of his sentiments upon the subject, nor from their practical manifestation in his professional and political career. For several years, whenever a slave brought an action at law for his liberty, Mr. Clay volunteered as his advocate: and he always succeeded in obtaining a decision in the slave's favor. Oppression in every shape would seem to have roused the most ardent sympathies of his soul, and to have enlisted his indignant eloquence in behalf of its unfriended object. The impulses, which urged him at this early day to take the part of the domestic bondsmen of his own State, were the same with those, by which he was instigated, when the questions of recognizing South American and Grecian Independence were presented to the consideration of a tardy and calculating Congress.

During the administration of John Adams, in 1798-9, the famous alien and sedition laws were passed. The popular opposition with which these extraordinary measures were received, is still vividly remembered in the United States. By the "alien law," the President was authorized to order any alien, whom "he should judge dangerous to the peace and safety" of the country "to depart out of the territory within such time" as he should judge proper, upon penalty of being "imprisoned for a term not exceeding three years." &c.

The "sedition law" was designed to punish the abuse of speech of the press. It imposed a heavy pecuniary fine, and imprisonment for a term of years, upon such as should combine or conspire together to oppose any measure of Government: upon such as should write, print, utter, publish, &c., "any false, scandalous and malicious writing against the Government of the United States or the President," &c.

Mr. Clay stood forth one of the earliest champions of popular rights in opposition to these memorable laws. Kentucky was one of the first States that launched their thunders against them; and though many speakers came forward to give expression to the indignation which was swelling in the public heart, none succeeded so well in striking the responsive chord as our young lawyer. He was soon regarded as the leading spirit of the opposition party; and it was about this time that the title of "THE GREAT COMMONER" was bestowed upon him.

A gentleman, who was present at a meeting where these obnoxious laws were discussed, describes the effect produced by Mr. Clay's eloquence as difficult adequately to describe. The populace had assembled in the fields in the vicinity of Lexington, and were first addressed by Mr. George Nicholas, a distinguished man, and a powerful speaker. The speech of Mr. Nicholas was long and eloquent, and he was greeted by the most enthusiastic cheers as he concluded. Clay being called for, promptly appeared, and made one of the most extraordinary and impressive harangues ever addressed to a popular assembly. A striking evidence of its thrilling and effective character may be found in the fact that when he ceased, *there was no shout—no applause*. So eloquently had he interpreted the deep feelings of the multitude, that they forgot the orator in the absorbing emotions he had produced. A higher compliment can hardly be conceived. The theme was a glorious one for a young and generous mind, filled with ardor in behalf of human liberty—and he did it justice. The people took Clay and Nicholas upon their shoulders, and forcing them into a carriage, drew them through the streets, amid shouts of applause. What an incident for an orator, who had not yet completed his twenty second year!

Four years afterwards, when Mr. Clay was absent from the County of Fayette at the Olympian Springs, he was brought forward, without his knowledge or previous consent, as a candidate, and elected to the General Assembly of Kentucky. He soon made his influence felt in that body. In 1804, Mr. Felix Grundy, then an adroit and well-known politician, made an attempt in the Legislature to procure the repeal of a law incorporating the Lexington Insurance Office. He was opposed at every step by Mr. Clay; and the war of words between the youthful debaters drew to the hall of the House throngs of spectators. Grundy had managed to secure beforehand a majority in his favor in the House; but the members of the Senate flocked in to hear Clay speak, and so cogently did he present to their understandings the impolicy and unconstitutionality of the measure under discussion, that they refused to sanction it after it had been passed by the other branch, and a virtual triumph was thus obtained.

It is recorded of Mr. Clay, that, in the course of the legislative session of 1805, he made an effort to

procure the removal of the seat of Government from Frankfort; and his speech on the occasion is said to have been an inimitable specimen of argument and humor. Frankfort is peculiar in its appearance and situation, being sunk, like a huge pit, below the surrounding country, and environed by rough and precipitous ledges. "We have," said Mr. Clay, "the model of an inverted hat; Frankfort is the body of the hat, and the lands adjacent are the brim. To change the figure, it is *nature's great penitentiary*; and if the members of this House would know the bodily condition of the prisoners, let him look at those poor creatures in the gallery."

As he said this, he pointed with his finger to half a dozen figures that chanced, at that moment, to be moving about in the gallery, more like animated skeletons than respectable compounds of flesh and blood. The objects thus designated, seeing the attention of the whole assembly suddenly directed towards them, dodged, with ludicrous haste, behind the railing, and the assembly was thrown into a convulsion of merriment. This *argumentum ad hominem* proved irresistible. The members of the House agreed that it was expedient to remove the seat of Government, but it was subsequently found impossible to decide upon a new location, and the Legislature continues to hold its sessions at Frankfort.

It was an early resolution of Mr. Clay, that no litigants, rich or poor, should have occasion to say that for the want of counsel they could not obtain justice at every bar where he could appear for them. Col. Joseph Hamilton Daviess, at that time United States District Attorney, and a man of influence and distinction, had committed an assault and battery at Frankfort on Mr. Bush, a respectable citizen, and a tavern-keeper at that place. The bar of Frankfort declined instituting an action for the latter against Col. D. Bush finally appealed to Henry Clay, who promptly undertook the case, and brought the suit in Lexington. In the argument of a preliminary question, Mr. Clay felt it his duty to animadvert with some severity upon the conduct of Col. Daviess; whereupon the latter, after the adjournment of the Court, addressed a note to him, remonstrating against his course, and expressing a wish that it should not be persevered in. Mr. Clay immediately replied that he had undertaken the cause of Mr. Bush from a sense of duty; that he should submit to no dictation as to his management of it, which should be according to his own judgment exclusively; but that he should hold himself responsible for whatever he did or said, in or out of Court. A challenge ensued; Mr. Clay accepted it, and proceeded to Frankfort for the hostile meeting. There, by the interposition of mutual friends, the affair was accommodated in a manner honorable to both parties.

In the autumn of 1806, the celebrated Aaron Burr was arrested in Kentucky, on a charge of being engaged in an illegal warlike enterprise. The sagacity and penetration of that extraordinary man were never more clearly evinced than in his application to Mr. Clay to defend him. Mr. Clay believed, and it was generally believed in Kentucky, that the prosecution was groundless, and was instituted by Col. Daviess, whom we have already mentioned, who was a great admirer of Col. Hamilton, and who disliked Burr because he had killed Hamilton in a

duel, and was moreover, his opponent in politics. Mr. Clay felt a lively sympathy for Col. Burr, on account of his being arrested in a State distant from his own, on account of his misfortunes, and the distinguished stations he had filled. Still he declined appearing for him, until Burr gave him written assurances that he was engaged in no enterprise forbidden by law, and none that was not known and approved by the Cabinet at Washington. On receiving these assurances, Mr. Clay appeared for him; and thinking that Burr ought not to be dealt with as an ordinary culprit, he declined receiving from him any fee, although a liberal one was tendered.

Burr was acquitted. Mr. Clay shortly after proceeded to Washington, and received from Mr. Jefferson an account of the letter in cipher, which had been written by Burr to General Wilkinson, together with other information of the criminal designs of Burr. Mr. Clay handed the written assurances above mentioned to Mr. Jefferson at the request of the latter.

On his return from Ghent, Mr. Clay made a brief sojourn in the city of New-York, and visited, among other places of interest, the Federal Court, then in session, escorted by his friend, the late Mr. Smith, then Marshall, formerly a Senator from New-York. On entering the court-room, in the City Hall, the eyes of the bench, bar, officers, and attendants upon the Court, were turned upon Mr. C. who was invited to take a seat on the bench, which he politely declined, and took a position in the bar. Shortly after, a small gentleman, apparently advanced in years, and with bushy, gray hair, whom Mr. Clay for an instant did not recognize, approached him. He quickly perceived it was Col. Burr, who tendered his hand to salute Mr. Clay. The latter declined receiving it. The Colonel, nevertheless, was not repulsed, but engaged in conversation with Mr. Clay, remarking, that he had understood that, besides the treaty of peace, the American Commissioners had negotiated a good Commercial Convention with Great Britain. Mr. Clay replied coldly, that such a convention was concluded, and that its terms would be known as soon as it was promulgated by public authority. Col. B. expressed a wish to have an hour's interview with him, and Mr. C. told him where he stopped—but the Colonel never called. Thus terminated all the intercourse which ever took place between Henry Clay and Aaron Burr. And yet even out of materials like these Detraction has tried to manufacture weapons for its assaults!

CHAPTER II.

Elected to the Senate of the United States—His first Speech. In favor of Internal Improvements—Is chosen Speaker of the Kentucky House of Assembly—Speeches and Reports—Resolutions in favor of American Manufactures—Duel with Humphrey Marshall—His sentiments in regard to Dueling—Takes his seat a second time in the United States Senate—Speaks in behalf of Domestic Manufactures—Lays the foundation of the American System—Speech on the line of the Perdido—Labors of the Session—Third Session of the Eleventh Congress—The United States Bank—He becomes a member of the United States House of Representatives—Is chosen Speaker on the first ballot—Critical state of Public Affairs—Is in favor of a War with Great Britain—Speech on the bill for raising Troops—On a Naval Establishment—Carries his Measures—Our Naval successes.

On the twenty-ninth of December, 1806, Mr. Clay produced his credentials, and took his seat in the Senate of the United States. He had been elected

by the Legislature of the State of Kentucky to fill a vacancy occasioned by the resignation of the Hon. John Adair; and, from the journals of Congress, he seems to have entered at once, actively upon the discharge of the duties of his new and exalted position. His first Speech was in favor of the erection of a bridge over the Potomac River; and at this period we perceive the dawning of those views of 'Internal Improvement,' which he afterward carried out so ably, and his advocacy of which should alone be sufficient to entitle him to the lasting gratitude of the Country. He amused the Senate on this occasion by quoting a passage from Peter Pindar, as applicable to a Senator by whom he had been assailed, and who was remarkable for the expression of superior sagacity which his countenance was wont to assume when he rebuked the younger members of the body. The picture was apt and graphic:

"Thus have I seen a magpie in the street,
A chattering bird, we often meet;
A bird for curiosity well known,
With head awry, and cunning eye,
Peep knowingly into a marrow-bone."

This Speech was soon followed by his presentation of a Resolution advocating the expediency of appropriating a quantity of land toward the opening of the Canal proposed to be cut at the Rapids of the Ohio, on the Kentucky shore.

The subject of appropriations for Internal Improvements was at that time a novelty. So far as it related to the establishment of Post-Roads, it had, it is true, been discussed in February, 1795; but no formal opinion of Congress was expressed, so as to be a precedent for future action.

A Committee, consisting of Messrs. Clay, Giles and Baldwin, was now appointed to consider the new Resolution, and on the twenty-fourth of February, 1807, Mr. Clay made an able Report to the Senate, in which we find the following passage:—"How far it is the policy of the Government to aid 'in works of this kind, when it has no distinct interest; whether, indeed, in such a case, it has the 'Constitutional power of patronage and encouragement, it is not necessary to be decided in the present 'instance.'" A few days afterward, he reported a bill providing for the appointment of Commissioners to ascertain the practicability of removing the obstructions in the navigation of the Ohio at the Rapids. This bill passed the Senate by a vote of eighteen to eight.

The following resolution, presented the day of the passage of the bill, shows that Mr. Clay thus early in his career was deeply impressed with the importance of a system of Internal Improvement. He may truly be called the father of that system, which has so incalculably advanced the general prosperity of the Republic:—

"Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate at their next session, a plan for the application of such means as are within the power of Congress, to the purposes of opening Roads and making Canals; together with a statement of undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of Government; and, also, a statement of works, of the nature mentioned, which have been commenced, the progress which has been made in them, and the means and prospect of their being completed; and all such information

as, in the opinion of the Secretary, shall be material in relation to the objects of this resolution."

The resolution was passed with but three dissenting voices.

During this session an attempt was made to suspend the *Habeas Corpus* Act, for the purpose of enabling the President to arrest, without going through the forms and delays of the law, Col. Burr, of whose evil intentions there was now sufficient proof. Mr. Clay did not speak on the motion, but his vote was recorded against it, not through any tenderness towards Burr, but because of the danger of instituting such a precedent against the liberty of the citizen. The motion was, however, carried in the Senate, but defeated in the House of Representatives.

Mr. Clay's election to the Senate of the United States had been but for the fraction of a term, amounting to a single session. In the summer of 1807, he was again chosen by the citizens of Fayette to represent them in the Kentucky Legislature, and at the next session he was elected Speaker of the Assembly. In this position he did not content himself with faithfully discharging the ordinary duties of a Speaker. He entered the arena of debate, and took an active part in most of the important discussions before the House. A motion having been made to prohibit the reading in the Courts of Kentucky of any British decision, or elementary work on Law, he opposed it with a vigor and eloquence that could not fail of effect. More than four-fifths of the Members of the House had evinced a determination to vote for the motion. It was argued that the Americans, as an independent people, ought not to suffer themselves to be governed, in the administration of justice, by the legal decisions of a foreign power. Mr. Clay had to contend against a most formidable array of popular prejudice. To obviate one of the most potent arguments of the friends of the motion, he ingeniously moved to amend it by limiting the exclusion of British decisions from Kentucky to those only which have taken place since the 4th of July, 1776, the date of American Independence, and suffering all which preceded that period to remain in force. He maintained that before the declaration of our independence, the British and Americans were the same nation, and the laws of the one people were those of the other. He then entered upon one of the most eloquent harangues that ever fell from his lips. He exposed the barbarity of a measure which would annihilate, for all practical uses in the State, the great body of the Common Law; which would "wantonly make wreck of a system fraught with the intellectual wealth of centuries, and whelm its last fragment beneath the wave."

Those who had the good fortune to hear Mr. Clay on this occasion, describe his speech as one of transcendent power, beauty and pathos. A gentleman, who was a partaker in the effect produced by his eloquence, says:—"Every muscle of the orator's 'face was in motion; his whole body seemed agitated, as if every part were instinct with a separate 'life; and his small, white hand, with its blue veins 'apparently distended almost to bursting, moved 'gracefully, but with all the energy of rapid and vehement gesture. The appearance of the speaker 'seemed that of a pure intellect wrought up to its

"mightiest energies, and brightly glowing through the thin and transparent veil of flesh that enrobed it."

It is almost needless to add that Mr. Clay prevailed on this occasion in turning the tide in his favor, and the original motion was rejected.

A report drawn up by him in 1809 upon a question of disputed election is worthy of notice in this place. The citizens of Hardin County, who were entitled to two Representatives in the General Assembly, had given 436 votes for Charles Helm, 350 for Samuel Haycraft, and 271 for John Thomas. The fact being ascertained that Mr. Haycraft held an office of profit under the Commonwealth, at the time of the election, a constitutional disqualification attached and excluded him. He was ineligible, and therefore could not be entitled to his seat. It remained to inquire into the pretensions of Mr. Thomas. His claim could only be supported by a total rejection of the votes given by Mr. Haycraft, as void to all intents whatever. Mr. Clay contended that those votes, though void and ineffectual in creating any right in Mr. Haycraft to a seat in the House, could not affect, in any manner, the situation of his competitor. Any other exposition would be subversive of the great principle of Free Government, that the majority shall prevail. It would operate as a fraud upon the People; for it could not be doubted that the votes given to Mr. Haycraft were bestowed under a full persuasion that he had a right to receive them. It would, in fact, be a declaration that disqualification produced qualification—that the incapacity of one man capacitated another to hold a seat in that House. The Committee, therefore, unanimously decided that neither of the gentlemen was entitled to a seat.

Such were the principles of Mr. Clay's Report. It was unanimously adopted by the House; and its doctrines have ever since governed the Kentucky Elections.

In December, 1808, Mr. Clay introduced before the Legislature of Kentucky a series of Resolutions approving the Embargo, denouncing the British Orders in Council, pledging the coöperation of Kentucky to any measures of opposition to British exactions, upon which the General Government might determine, and declaring that "THOMAS JEFFERSON *is entitled to the thanks of his Country for the ability, uprightness and intelligence which he has displayed in the management both of our Foreign Relations and Domestic Concerns.*"

Mr. Humphrey Marshall opposed these Resolutions with extraordinary vehemence, and introduced Amendatory Resolutions of a directly opposite tendency; but Mr. Marshall was the only one who voted in favor of the latter. Mr. Clay's original Resolutions were adopted by a vote of sixty-four to one.

Soon after this event, Mr. Clay introduced a Resolution recommending that every Member, for the purpose of encouraging the Industry of the Country, should clothe himself in garments of Domestic Manufacture. This Resolution was at once most emphatically denounced by Mr. Humphrey Marshall, who stigmatized it as the project of a demagogue, and applied a profusion of harsh and ungenerous epithets to the mover. Mr. Clay retorted, and the quarrel went on until it terminated in a hos-

tile encounter. The parties met, and by the first shot Mr. Marshall was slightly wounded. They stood up a second time, and Mr. Clay received a hardly perceptible flesh wound in the leg. The seconds now interfered, and prevented a continuance of the combat.

Mr. Clay was once again called upon in the course of his political career, by the barbarous exactions of society, to consent to a hostile encounter; but we are confident that no man at heart abominates the custom more sincerely than he. The following passage in relation to this subject occurs in an address, which, in his maturer years, he made to his constituents: "I owe it to the community to say, that whatever heretofore I may have done, or by inevitable circumstances might be forced to do, no man in it holds in deeper abhorrence than I do that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription."

When the bill to suppress duelling in the District of Columbia came before the Senate of the United States in the spring of 1838, Mr. Clay said, no man would be happier than he to see the whole barbarous system forever eradicated. It was well known, that in certain quarters of the country, public opinion was averse from duelling, and no man could fly in the face of that public opinion, without having his reputation sacrificed; but there were other portions again which exacted obedience to the fatal custom. The man with a high sense of honor, and nice sensibility, when the question is whether he shall fight or have the finger of scorn pointed at him, is unable to resist, and few, very few, are found willing to adopt such an alternative. When public opinion shall be renovated, and chastened by reason, religion and humanity, the practice of duelling will at once be discountenanced. It is the office of legislation to do all it can to bring about that healthful state of the public mind, and although it may not altogether effect so desirable a result yet he had no doubt it would do much towards it, and with these views, he would give his vote for the bill.

In the winter session of Congress in 1809-10, Mr. Clay took his seat a second time in the Senate of the United States. He had been elected by the legislature by a handsome majority to supply a vacancy occasioned by the resignation of Mr. Buckner Thruston, whose term wanted two years of its completion. From this period the public history of Mr. Clay may be found diffused through the annals of the Union. The archives of the republic are the sources from which the materials for his biography may be henceforth derived. When time shall have removed the inducements for interested praise or censure, posterity will point to the records of his civic achievements, glorious though bloodless, no less as furnishing a well established title to their admiration and gratitude than as a perpetual monument of his fame.

The predilections which Mr. Clay had early manifested in behalf of American manufactures and American principles, were unequivocally avowed in his first speech before the Senate on being elected a second time to that body as far back as April, 1810. A bill was under discussion appropriating a sum o

money for procuring munitions of war, and for other purposes; and an amendment had been proposed, instructing the Secretary of the Navy, to provide supplies of cordage, sail-cloth, hemp, &c., and to give a preference to those of American growth and manufacture. Mr. Lloyd of Massachusetts moved to strike out this part of the amendment; and a discussion arose concerning the general policy of promoting domestic manufactures, in which Mr. Clay boldly declared himself its advocate.

The fallacious course of reasoning urged by many against domestic manufactures, namely, the distress and servitude produced by those of England, he said would equally indicate the propriety of abandoning agriculture itself. Were we to cast our eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, we might thence draw numerous arguments against the pursuits of the husbandman. In short, take the black side of the picture, and every human occupation will be found pregnant with fatal objections.

The sentiments avowed thus early in our legislative history by Mr. Clay are now current throughout our vast community; and the "American System," as it has been called, is generally admitted to be not only a patriotic, but a politic system. But let it not be forgotten, that it is to the persevering and unremitted exertions of Henry Clay, that we are indebted for the planting and the cherishing of that goodly tree, under the far-spreading branches of which so many find protection and plenty at the present day.

The amendments advocated by Mr. Clay on this occasion were adopted, and the bill was passed. The first step toward the establishment of his magnificent "system" was taken.

Another speech in which he distinguished himself during the session, is that upon the question of the right of the United States to the territory lying between the rivers Mississippi, and Perdido, comprising the greater part of Western Florida. This important region, out of which the States of Alabama and Mississippi have since been formed, was claimed by Spain as a part of her Florida domain. The President, Mr. Madison, had issued a proclamation declaring the region annexed to the Orleans Territory, and subject to the laws of the United States. The Federalists maintained that we had no claim to the Territory—that it belonged to Spain—and that Great Britain as her ally, would not consent to see her robbed.

Mr. Clay stepped forth as the champion of the Democracy and the President, and eloquently vindicated the title of the United States to the land. His arguments evince much research, ingenuity and logical skill; and on this as on all occasions, he manifested that irrepressible sympathy with the people—the mass—his eloquent expressions of which had gained him in Kentucky the appellation of the GREAT COMMONER. Mr. Horsey, one of the Senators from Delaware, had bemoaned the fate of the Spanish king. Mr. Clay said in reply: "I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. MY SYMPATHIES ARE RESERVED FOR THE GREAT MASS OF MANKIND; and I own that the people of Spain have them most sincerely."

With regard to the deprecated wrath of Great Britain, Mr. Clay said, with a burst of indignant eloquence, which is but inadequately conveyed in the reported speech: "Sir, is the time never to arrive, when we may manage our own affairs, without the fear of insulting his Britannic majesty? Is the rod of British power to be forever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of England. Is a law of non-intercourse proposed? The whole navy of the haughty Mistress of the Seas is made to thunder in our ears. Does the President refuse to continue a correspondence with a Minister, who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us!"

The strong American feeling, the genuine democratic dignity, which pervade this Speech are characteristic of the man and of the principles, which, throughout a long and trying public career, he has steadfastly maintained. And yet we find new-fledged politicians and dainty demagogues of modern fashionable manufacture, charging this early and consistent leader of the Democracy—this friend and supporter of Jefferson and of Madison—this main pillar of the Party, who originated and conducted to a glorious termination the last War—charging him with Federalism and Aristocracy! Every act of his life—every recorded word that ever fell from his lips gives the lie to the imputation.

Mr. Clay's labors during this Session appear to have been arduous and diversified—showing on his part unusual versatility, industry and powers of application. He was placed on several important Committees, and seems to have taken part in all discussions of moment. On the 26th of March, 1819, from the Committee to whom was recommitment a bill granting a right of preemption to purchasers of Public Lands in certain cases, he reported it with amendments, which were read; and, after undergoing some alterations, it was again recommitment, reported, and finally passed by the Senate. Mr. Clay was the early friend of the poor settler on the Public Lands, and he has always advocated a policy which, while it is extremely liberal toward that class, is consistent with perfect justice to the People at large, who are the legitimate owners of the Public Domain.

On the 29th of March Mr. Clay brought in a bill supplementary to an act entitled "An Act to Regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontier." The bill was referred to a Committee, of which he was appointed Chairman; and to his intelligent labors in their behalf, the People of the West were indebted for measures of protection of the most efficient character.

The 20th of April succeeding, on motion of Mr. Clay, the bill to enable the People of the Orleans Territory, now Louisiana, to form a Constitution and Government was amended by a provision requiring that the Laws, Records and Legislative Pro-

ceedings of the State should be in the English language. On the 27th of the same month he had leave of absence for the rest of the Session, after accomplishing an amount of public business that few men could have despatched with so much promptitude, ability and advantage to the Country.

The Third Session of the Eleventh Congress commenced on the 3d of December, 1810. Mr. Clay was once more in his seat in the Senate.

The subject of renewing the Charter of the United States Bank was now the great topic before Congress. Mr. Clay had been instructed by the Legislature of Kentucky to oppose a recharter; and his own convictions at the time accorded with theirs. He addressed the Senate at some length in opposition to the proposed measure. He lived to rectify his opinions on this important question; and his reasons for the change must be satisfactory to every candid mind. They are given in an Address to his constituents in Lexington, dated the 3d of June, 1816.

In a Speech to the same constituents, delivered the 9th of June, 1842, he alludes to the subject in these terms:

"I never but once changed my opinion on any great measure of national policy, or any great principle of construction of the National Constitution. In early life, on deliberate consideration, I adopted the principles of interpreting the Federal Constitution, which had been so ably developed and enforced by Mr. Madison in his memorable Report to the Virginia Legislature; and to them, as I understood them, I have constantly adhered. Upon the question coming up in the Senate of the United States, to recharter the first Bank of the United States thirty years ago, I opposed the recharter upon convictions which I honestly entertained. The experience of the War which shortly followed, the condition into which the Currency of the Country was thrown, without a Bank, and, I may now add, later and more disastrous experience, convinced me I was wrong. I publicly stated to my constituents, in a Speech at Lexington, (that which I had made in the House of Representatives not having been reported) my reasons for that change; and they are preserved in the archives of the Country. I appeal to that record; and I am willing to be judged now and hereafter by their validity.

"I do not advert to the fact of this solitary instance of change of opinion, as implying any personal merit, but because it is a fact. I will, however, say that I think it very perilous to the utility of any public man to make frequent changes of opinion, or any change, but upon grounds so sufficient and palpable that the public can clearly see and approve them."

Many important subjects were discussed by the Senate during the Session of 1810-11; and Mr. Clay was in all of them conspicuous. His zeal and efficiency in the Public Service began to attract the eyes of the whole Country. He was not the Representative of Kentucky alone. His capacious heart and active mind, uncontracted by sectional jealousies or local bigotry, comprehended the entire Union in their embrace.

At the expiration of his second fractional term of service in the Senate of the United States, having returned to Kentucky, he was elected a member of the Federal House of Representatives. Congress convened on the day designated by Proclamation, the fourth day of November, 1811; and, on the first ballot for Speaker, 128 members being present, he was chosen by a majority of 31, over all opposition.

The affairs of the Nation were never in a more critical position than at this juncture. The honor of the Republic was at stake. A long series of outrages perpetrated against our Commerce by England, and by France had reached a height, at which farther toleration would have been pusillanimous. Under the Berlin and Milan Decrees of Napoleon, our ships were seized and our property confiscated by the French in a manner to provoke the warmest indignation of a free People. Great Britain vied with France, and finally far surpassed her in her acts of violence and rapine toward us. Each of the bel-ligerent nations sought a pretext in the conduct of the other for her own injustice.

At length France, in answer to our remonstrances, repealed her odious Decrees so far as we were concerned, and practically abandoned her system of seizure and oppression. Great Britain did not follow her example.

A year had elapsed since the French Decrees were rescinded; but Great Britain persisted in her course,—affecting to deny their extinction. The ships of the United States, laden with the produce of our soil and labor, navigated by our own citizens and peaceably pursuing a lawful trade, were seized on our coasts, and, at the very mouth of our own harbors, condemned and confiscated. But it was the ruffianly system of impressment—by which American freemen, pursuing a lawful life of hard-ship and daring on the ocean, were liable to be seized, in violation of the rights of our flag, forced into the naval service of a foreign Power, and made, perhaps, the instruments of similar oppression toward their own countrymen;—it was this despotic and barbarous system that principally roused the warlike spirit of Congress and the Nation. And Posterity will admit that this cause of itself was an all-sufficient justification for hostile measures. The spirit of that People must have been debased indeed, which could have tamely submitted to such aggressions.

The feelings of Mr. Clay on this subject seem to have been of the intensest description. Though coming from a State distant from the sea-board, the wrongs and indignities practiced against our mariners by British arrogance and oppression, fired his soul and stirred his whole nature to resistance. To him, the idea of succumbing a moment to such degrading outrages was intolerable. The Nation had been injured and insulted. England persisted in her injuries and insults. It was useless to temporise longer. He was for war, prompt, open and determined war. He communicated to others the electric feelings that animated his own breast. He wreaked all his energies on this great cause.

In appointing the Committee on Foreign Relations, to whom the important question was to be referred, he was careful to select a majority of such Members as partook of his own decided views. Peter B. Porter, of New York, was the Chairman; and, on the 29th of November, he made a Report, in which the Committee earnestly recommended, in the words of the President, "that the United States 'be immediately put into an armor and attitude demanded by the crisis, and corresponding with the 'national spirit and expectations.' They submitted appropriate Resolutions for the carrying out of this great object.

On the 31st of December, the House resolved itself into a Committee of the Whole, Mr. Breckenridge in the Chair, on a bill from the Senate, providing for the raising of twenty-five thousand troops. Of this measure, Mr. Clay was the warmest, and at the same time most judicious, advocate. He addressed the House eloquently in its behalf, and urged it forward on all occasions with his best energies.

He contended that the real cause of British aggression was not to distress France, as many maintained, but to destroy a rival. "She saw," continued he, "in your numberless ships, which 'whitened every sea—in your hundred and twenty 'thousand gallant tars—the seeds of a naval force, 'which in thirty years would rival her on her own 'element. She therefore commenced the odious 'system of Impressment, of which no language 'can paint my execration! She DARED to attempt 'the subversion of the personal freedom of your 'mariners!"

In concluding, Mr. Clay said he trusted that he had fully established these three positions:—That the quantum of the force proposed by the bill was not too great; that its nature was such as the contemplated War called for; and that the object of the War was justified by every consideration of justice, of interest, of honor and love of country. Unless that object were at once attained by peaceful means, he hoped that war would be waged before the close of the Session.

The bill passed the House on the 4th of January succeeding; and, on the 22d of the same month, the Report of the Committee, to whom that part of the President's Message relating to a Naval Establishment was referred, being under discussion, Mr. Clay spoke in favor of an increase of the Navy, advocating the building of ten frigates.

In his remarks, on this occasion, he contended that a description of naval force entirely within our means was that, which would be sufficient to prevent any single vessel, of whatever metal, from endangering our whole coasting trade—blocking up our harbors, and laying under contributions our cities—a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws.

"Is there," he asked, "a reflecting man in the 'nation who would not charge Congress with a 'culpable neglect of its duty, if, for the want of 'such a force, a single ship were to bombard one of 'our cities? Would not every honorable member 'of the Committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable 'addition to our little gallant Navy, a single British 'vessel should place New-York under contribution!"

On the 29th of January, 1812, the bill to increase the Navy passed the House by a handsome majority. To Mr. Clay's eloquent advocacy of the measure, the Country is largely indebted for the glorious naval successes which afterward shed a new and undying lustre upon our history. But for the gallant and effective Navy, which sprang up under such auspices, the main arm of our defence would have been crippled. While we contemplate with pride our achievements upon the sea—the memorable deeds of our Lawrences, Decatur, Hulls,

Bainbridges and Perrys—let us not forget the Statesman, but for whose provident sagacity and intrepid spirit, the opportunity of performing those exploits might never have been afforded.

CHAPTER III.

Mr. Clay prefers a seat in the House to one in the Senate—Reasons for making him Speaker—The President recommends an Embargo—The measure opposed by John Randolph and Josiah Quincy—Defended by Mr. Clay—His intercourse with Randolph—War declared—The Leaders in the House—Mr. Cheves and Mr. Gallatin—Mr. Clay appointed to confer with President Madison—Anecdotes—Events of the War—Motives—Federal Abuse—Clay's Reply to Quincy—Effects of his Eloquence—Passage of the Army Bill—Madison re-elected President—Mr. Clay resigns the Speaker's Chair, being appointed Commissioner to Ghent—His services during the War.

THE cause of Mr. Clay's transference from the Senate to the House of Representatives was his own preference, at the time, of a seat in the popular branch. His immediate appointment as Speaker was, under the circumstances, a rare honor, and one never, before or since, conferred on a new Member. Among the qualifications which led to his selection for that high station was his known firmness, which would check any attempt to domineer over the House; and many Members had a special view to a proper restraint upon Mr. John Randolph of Virginia, who, through the fears of Mr. Varnum, and the partiality entertained for him by Mr. Macon, the two preceding Speakers, had exercised a control which, it was believed, was injurious to the deliberations of the body.

On the first of April, 1812, the following confidential communication from the President to Congress was received:

"Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

"JAMES MADISON."

This proposition was immediately discussed in the House in secret session, Mr. Clay took an active part in the debate. He gave to the measure recommended by the President his ardent and unqualified support. "I APPROVE OF IT," said he, "BECAUSE IT IS TO BE VIEWED AS A DIRECT PRECURSOR TO WAR."

Among the most vehement opponents of the measure were John Randolph, of Virginia, and Josiah Quincy, of Massachusetts. Mr. Randolph said that the honorable Speaker was mistaken when he said the message was for war. Mr. R. had "too much 'reliance on the wisdom and virtue of the President 'to believe that he would be guilty of such gross 'and unparalleled treason." He maintained that the proposed embargo was not to be regarded as an initial step to war—but as a subterfuge—a retreat from battle. "What new cause of war," he asked, "or of an embargo has arisen within the last twelve 'months? The affair of the Chesapeake is settled: 'no new principles of blockade have been interpolated in the laws of nations. Every man of candor 'would ask why did not, then, go to war twelve 'months ago."

"What new cause of war has been avowed!" said Mr. Clay in reply—"The affair of the Chesapeake is settled, to be sure, but only to paralyze the spirit of the country. Has Great Britain abstained from impressing our seamen—from depredating upon our

property? We have complete proof, in her capture of our ships, in her exciting our frontier Indians to hostility, and in her sending an emissary to our cities to excite civil war, that she will do everything to destroy us: our resolution and spirit are our only dependence. Although I feel warmly upon this subject," continued he, "I pride myself upon those feelings, and should despise myself if I were destitute of them."

Mr. Quincy expressed in strong terms his abhorrence of the proposed measure. He said that his objections were, that it was not what it pretended to be; and was what it pretended not to be. That it was embargo preparatory to war; but that it was embargo as a substitute for the question of declaring war. "I object to it," said he, "because it is no efficient preparation; because it is, not a progress towards honorable war, but a subterfuge from the question. If we must perish, let us perish by any hand except our own. Any fate is better than self-slaughter."

Against this storm of opposition Henry Clay presented an undaunted front. As the debate was carried on with closed doors, no ample record of it is in existence. But a member of Congress, who was present, says: "On this occasion Mr. Clay was a flame of fire. He had now brought Congress to the verge of what he conceived to be a war for liberty and honor, and his voice rang through the capitol like a trumpet-tone sounding for the onset. On the subject of the policy of the embargo, his eloquence, like a Roman phalanx, bore down all opposition, and he put to shame those of his opponents, who flouted the government as being unprepared for war."

The Message recommending an embargo was referred to the committee on Foreign Relations, who reported a bill for carrying it into effect, which was adopted by the House. In the Senate it underwent a slight alteration in the substitution of ninety for sixty days as the term of the embargo. This amendment was concurred in; and on the fourth of April, Mr. Crawford reported the presentation of the bill to the President, and that it had received his signature.

Through the indefatigable exertions of Mr. Clay and his associates, the attitude of resistance to aggression was now boldly assumed—the first step was taken towards a definite declaration of war.

On assuming the duties of the Speakership, Mr. Clay had foreseen, from the peculiar character and constitution of mind of that remarkable and distinguished man, John Randolph, that it would be extremely difficult to maintain with him relations of civility and friendship. He, therefore, resolved to act on the principle of never giving and never receiving an insult without immediate notice, if he were in a place where it could be noticed. Their mode of intercourse or non-intercourse was most singular. Sometimes weeks, months would pass without their speaking to each other. Then, for an equal space of time, no two gentlemen could treat each other with more courtesy and attention. Mr. Randolph, on entering the House in the morning, while these better feelings prevailed, would frequently approach the Chair, bow respectfully to the Speaker, and inquire after his health.

But Mr. Randolph was impatient of all restraints, and could not brook those which were sometimes

applied to himself by the Speaker in the discharge of the duties of the Chair. On one occasion he appealed to his constituents, and was answered by Mr. Clay. The case was this: Mr. Clay, in one of his morning rides, passed through Georgetown, where Mr. Randolph, the late Mr. J. Lewis, of Virginia, and other members of Congress boarded. Meeting with Mr. Lewis, that gentleman inquired of him, if there were any news? Mr. Clay informed him, that on the Monday following, President Madison would send a message to Congress, recommending a declaration of war against Great Britain.

The day after this meeting, Mr. Randolph came to the House, and having addressed the Speaker in a very rambling, desultory speech for about an hour, he was reminded from the chair, that there was no question pending before the House. Mr. Randolph said he would present one. He was requested to state it. He stated that he meant to move a resolution, that it was *not* expedient to declare war against Great Britain." The Speaker, according to a rule of the House, desired him to reduce his resolution to writing, and to send it to the chair; which he accordingly did. And thereupon the Speaker informed him, that before he could proceed in his speech, the House must decide that it would now consider his resolution. Upon putting that question to the House, it was decided by a large majority, that it would not consider the resolution; and thus Mr. Randolph was prevented from haranguing the House farther in its support. Of this he complained, and published an address to his constituents.

Some expressions in this address seeming to require notice, Mr. Clay addressed a communication under his own name, to the editor of the National Intelligencer, in which he reviews the questions at issue between him and Mr. Randolph, and vindicates the justice of his recent decisions in the chair.

"Two principles," he says, "are settled by these decisions; the first is, that the House has a right to know, through its organ, the specific motion which a member intends making, before he undertakes to argue it at large; and in the second place, that it reserves to itself the exercise of the power of determining whether it will consider it at the particular time when offered, prior to his thus proceeding to argue it."

Every succeeding Congress has acknowledged the validity of the principles thus established by Mr. Clay. They seem essential to the proper regulation of debate in a large legislative body."

A bill from the Committee on Foreign Relations was reported to the House on the third of June, 1812, declaring *War between Great Britain and her dependencies and the United States*. On the eighteenth it had passed both Houses of Congress; and the next day the President's proclamation was issued, declaring the actual existence of War. On the sixth of July, Congress adjourned to the first Monday in November.

Mr. Clay, Mr. Lowndes, Mr. Cheves, and Mr. Calhoun, were the leaders, who sustained and carried through the declaration of War. Mr. Clay, fully impressed with the conviction, that the honor and the highest interests of the country demanded the declaration, was ardent, active and enthusiastic in its support. To him was assigned the responsible duty of appointing all the Committees. Mr. Madison's Cabinet was not unanimous on the subject of war,

Mr. Madison himself was in favor of it, but seemed to go into it with much repugnance and great apprehension. The character of his mind was one of extreme caution, bordering on timidity, although he acted with vigor and firmness when his resolution was once taken. Mr. Gallatin, the Secretary of the Treasury, was adverse to the war.

It was the opinion and wish of Mr. Clay, Mr. Cheves, and their friends, that financial as well as military and naval preparations should be made for the conduct of the war, and previous to its declaration. Accordingly, Mr. Gallatin was called upon to report a system of finance appropriate to the occasion. He had enjoyed a high reputation for financial ability; and it was hoped and anticipated, that he would display it when he made his required report. But the disappointment was great when his report appeared. Instead of indicating any new source of revenue—instead of suggesting any great plan calling forth the resources of the nation, he reported in favor of all the old odious taxes—excise, stamp duties, &c. which had been laid during previous administrations. It was believed, from the offensive nature of the taxes, that his object was to repress the war spirit. But far from being discouraged, Mr. Clay and his friends resolved to impose the duties recommended.

Mr. Cheves was at the head of the Committee of Ways and Means, and went laboriously to work to prepare numerous bills for the collection of taxes as suggested by the Secretary. After they were prepared and reported, it was for the first time discovered that the Executive, and more especially Mr. Gallatin, were opposed to the imposition of taxes at the same session during which war was declared. This was ascertained by the active exertions of Mr. Smiley, a leading and influential member from Pennsylvania, and the confidential friend of Mr. Gallatin. In circles of the members, he would urge in conversation the expediency of postponing the taxes to another session, saying that the people would not take both war and taxes together."

Mr. Clay and his friends were aware that the levying of taxes, always a difficult and up-hill business, could not be effected without the hearty concurrence of the Executive, and therefore reluctantly submitted to the postponement—a most unfortunate delay, the ill effects of which were felt throughout the whole war. Mr. Cheves, who had plied the laboring oar, in preparing the various revenue bills, was highly indignant, and especially at the conduct of Mr. Gallatin, of whom he ever afterwards thought unfavorably.

The negotiations with Mr. Foster, the British Chargé d'Affaires at Washington, were protracted up to the period of the Declaration of War. The Republican party became impatient of the delay. It was determined that an informal deputation should wait upon Mr. Madison to expostulate against longer procrastination; and it was agreed that Mr. Clay should be the spokesman. The gentlemen of the deputation accordingly called on the President, and Mr. Clay stated to him, that Congress was impatient for action; that further efforts at negotiation were vain; that an accommodation was impracticable; that the haughty spirit of Britain was unbending and unyielding; that submission to her arrogant pretensions, especially that of a right to im-

press our seamen, was impossible; that enough had been done by us with a view to conciliation; that the time for decisive action had arrived, and war was inevitable.

By way of illustrating the difference between speaking and writing, and *acting*, Mr. Clay related to Mr. Madison an anecdote of two Kentucky Judges. One talked incessantly from the Bench. He reasoned every body to death. He would deliver an opinion, and first try to convince the party that agreed with him and then the opposite party. The consequence was that business lagged, the docket accumulated, litigants complained, and the community were dissatisfied. He was succeeded by a Judge, who never gave any reasons for his opinion, but decided the case simply, for the plaintiff or the defendant. His decisions were rarely reversed by the appellate Court—the docket melted away—litigants were no longer exposed to ruinous delay—and the community were contented. Surely, said Mr. Clay, we have exhausted the argument with Great Britain.

Mr. Madison enjoyed the joke, but, in his good-natured, sly way, said, he also had heard an anecdote, of a French Judge, who after the argument of the cause was over, put the papers of the contending parties into opposite scales, and decided according to the preponderance of weight.

Speaking of the opposition of the Federal party Mr. Clay remarked, that they were neither to be conciliated nor silenced—"let us do what we sincerely believe to be right, and trust to God and the goodness of our cause."

Mr. Madison said, that our institutions were founded upon the principle of the competency of man for self-government, and that we should never be tired of appealing to the reason and judgment of the people.

Such deference did Mr. Madison have, however, for the opinion and advice of his friends, that shortly after this conference, he transmitted his war message to Congress.

The second session of the twelfth Congress took place at the appointed time. Events of an important character had occurred since it last met. The war had been prosecuted; and we had sustained some reverses. General Hull, to whom had been assigned the defence of the Michigan frontier, had, after an unsuccessful incursion into the neighboring territory of the enemy, surrendered ingloriously the town and fort of Detroit.

An attack was made on a post of the enemy near Niagara, by a detachment of regular and other forces under Major-General Van Rensselaer, and after displaying much gallantry had been compelled to yield, with considerable loss, to reinforcements of Savages and British regulars.

But though partially unsuccessful on the land, the Americans had won imperishable trophies on the sea. Our public ships and private cruisers had made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. The frigate *Constitution*, commanded by Captain Hull, after a close and short engagement, had completely disabled the British frigate *Guerriere*. A vast amount of property had been saved to the country by the course pursued by a squadron of our frigates under the command of Commodore Rodgers.

A strong disposition to adjust existing difficulties with Great Britain had, in the mean time, been manifested by our Government. Our Chargé des Affaires at London had been authorized to accede to certain terms, by which the war might be arrested, without awaiting the delays of a formal and final pacification.

These terms required substantially, that the British orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; that there should be an immediate discharge of American seamen from British ships. On such terms an armistice was proposed by our Government.

These advances were declined by Great Britain from an avowed repugnance to a suspension of the practice of impressment during the armistice.

Early in January, 1813, a bill from the Military Committee of the House, for the raising of an additional force, not exceeding twenty thousand men, underwent a long and animated discussion in committee of the whole. The opposition on this occasion rallied all their strength to denounce the measure. Mr. Quincy, to whom we have before alluded, made a most bitter harangue against it and its supporters. "Since the invasion of the buccaneers," said Mr. Q. "there is nothing in history like this war." Alluding to some of the friends of the administration, he stigmatized them as "household troops, who lounged for what they could pick up about the government house—toad-eaters, who lived on eleemosynary, ill-purchased courtesy, upon the palace, who swallowed great men's spittle, got judgships, and wondered at the fine sights, fine rooms, and fine company, and, most of all, wondered how they themselves got there."

Napoleon Bonaparte and Thomas Jefferson came in for no small share of the same gentleman's abuse.

On the eighth of January, Mr. Clay rose in defence of the new army bill, and in reply to the violent and personal remarks, which had fallen from the opposition. His effort on this occasion was one of the most brilliant in his whole career. It is imperfectly reported; for Mr. Clay has been always too inattentive to the preparation of his speeches for the press. To form an adequate idea of his eloquence we must look to the effect it produced—to the legislation which it swayed.

That portion of Mr. Clay's speech, in which he vindicated his illustrious friend, Thomas Jefferson, from the aspersions of the leader of the Federalists, has been deservedly admired as a specimen of energetic and indignant eloquence. It must have fallen with crushing effect upon him who called it forth:

"Next to the notice which the opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts (of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice,) has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assault of party malevolence. No, sir; in 1801 he snatched from the rude hands of usurpation the violated constitution of the country, and *that* is his crime. He preserved that instrument in form and substance and

spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven.

"How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favorite mountain, than he is lifted by the serenity of his mind, and the consciousness of a well-spent life, above the indignant passions and feelings of the day. No! his own beloved Monticello is not less moved by the storms that bear against its sides, than is this illustrious man by the howlings of the whole British pack let loose from the Essex kennel!

"When the gentleman, to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors—when he shall have been consigned to oblivion, or, if he live at all, shall live only in the treasonable annals of a certain juncture, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to as one of the happiest and brightest epochs in American history.

"But I beg the gentleman's pardon. He has indeed secured to himself a more imperishable fame than I had supposed. I think it was about four years ago that he submitted to the House of Representatives, an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. *The gentleman debated it with his usual temper, moderation and urbanity.* The House decided upon it in the most solemn manner; and, although the gentleman had somehow obtained a second, the final vote stood, *one for, and one hundred and seventeen against the proposition!* The same historic page that transmitted to posterity the virtue and glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of the excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Saviour of mankind, has recorded for universal execration the name of him who was guilty—not of betraying his country—but—a kindred crime—of betraying his God!"

In other parts of his speech, Mr. Clay electrified the House by his impassioned eloquence. The day was intensely cold, and, for the only time in his life, he found it difficult to keep himself warm by the exercise of speaking. But the members crowded around him in hushed admiration; and there were few among them who did not testify by their streaming tears his mastery over the passions. The subject of impressment was touched upon; and the matchless pathos with which he depicted the consequences of that infernal system—portraying the situation of a supposed victim to its tyrannic outrages—thrilled through every heart. The reported passage can but feebly convey a conception of the impression produced. As well might we attempt to form an adequate idea of one of Raphael's pictures from a written description, as to transcribe the eloquence of Clay on this occasion. Even were his glowing words fully and correctly given, how much of the effect would be lost in the absence of that sweet and silvery voice—that graceful and expressive action—those flashing eyes—which gave life and potency and victory to his language!

In conclusion, Mr. Clay said:—"My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the

* When the proposition was made to impeach Thomas Jefferson, Mr. Clay is said so have risen, and exclaimed in reference to the mover, "Sir, the gentleman soils the spot he stands upon."

'terms of a peace at Quebec or at Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fall like men—lash ourselves to our gallant tars, and expire together in one common struggle—
'FIGHTING FOR FREE TRADE AND SEAMEN'S RIGHTS!'

The Army Bill, thus advocated by Mr. Clay, passed the House on the 14th of January, 1813, by a vote of seventy-seven to forty-two.

On the tenth of February, the President of the Senate, in the presence of both Houses of Congress, proceeded to open the certificates of the Electors of the several States for President and Vice President of the United States. The vote stood: *For President*, James Madison, 123; *De Witt Clinton*, 89.—*For Vice President*, Elbridge Gerry, 131; *Jared Ingersoll*, 86. James Madison and Elbridge Gerry were accordingly elected—the former for a second term. The War Policy of the Administration was triumphantly sustained by the People.

The first session of the Thirteenth Congress commenced the twenty-fourth of May, 1813. Mr. Clay was again chosen Speaker by a large majority, and his voice of exhortation and encouragement continued to be raised in Committee of the Whole in vindication of the honor of the Country and the conduct of the War. The President, in his Message, alluded to the spirit in which the war had been waged by the British, who "were adding to the 'savage fury of it on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the 'established rules of civilized warfare.'"

Mr. Clay eloquently called attention to this portion of the Message, and declared that if the outrages said to have been committed by the British armies and their savage allies should be found to be as public report had stated them, they called for the indignation of all Christendom, and ought to be embodied in an authentic document, which might perpetuate them on the page of history. Upon his motion, a resolution was adopted, referring this portion of the President's Message to a Select Committee, of which Mr. Macon was Chairman. A Report was subsequently submitted from this Committee, in which an abundance of testimony was brought forward, showing that the most inhuman outrages had been repeatedly perpetrated upon American prisoners by the Indian allies of British troops, and often under the eye of British officers. The report closed with a resolution requesting the President to lay before the House, during the progress of the war, all the instances of departure, by the British, from the ordinary mode of conducting war among civilized nations.

The new Congress had commenced its session at a period of general exultation among all patriotic Americans. Several honorable victories by sea and land had shed lustre on our annals. Captain Lawrence, of the *Hornet*, with but eighteen guns, had captured, after a brisk and gallant action of fifteen minutes, the British sloop of war *Peacock*, Captain

Peake, carrying twenty-two guns and one hundred and thirty men—the latter losing her Captain and nine men with thirty wounded, while our loss was but one killed and two wounded. York, the capital of Upper Canada, had been captured by the army of the centre, in connection with a naval force on Lake Ontario, under Gen. Dearborn; while the issue of the siege of Fort Meigs, under Gen. Harrison, had won for that officer an imperishable renown as a brave and skilful soldier.

In September of the preceding year, the Emperor Alexander of Russia had intimated to Mr. Adams, our Minister at St. Petersburg, his intention of tendering his services as Mediator between the United States and Great Britain. The proposition had been favorably received, and assurances had been given to the Emperor of the earnest desire of our Government that the interest of Russia might remain entirely unaffected by the existing war between us and England, and that no more intimate connections with France would be formed by the United States. With these assurances the Emperor had been highly gratified; and in the early part of March, 1813, the Russian Minister at Washington, M. Daschkoff, had formally proffered the mediation of his Government, which was readily accepted by the President. It was rejected, however, by the British Government, to the great surprise of our own, on the ground that their commercial and maritime rights would not thereby be as effectually secured as they deemed necessary; but, accompanying the rejection, was an expression of willingness to treat directly with the United States, either at Gottenburg or at London; and the interposition of the Emperor was requested in favor of such an arrangement.

In consequence of the friendly offer of the Russian Government, Messrs. Albert Gallatin and James A. Bayard had been sent to join our resident Minister, Mr. Adams, as Envoys Extraordinary at St. Petersburg. The proposal of the British Ministry, to treat with us at Gottenburg, was soon after accepted, and Messrs. Clay and Jonathan Russell were appointed, in conjunction with the three Plenipotentiaries then in Russia, to conduct the negotiations. On the 19th of January, 1814, Mr. Clay, in an appropriate Address, accordingly resigned his station as Speaker of the House. The same day a Resolution was passed by that body, thanking him for the ability and impartiality with which he had presided. The Resolution was adopted almost unanimously—only nine Members voting in opposition.

Mr. Clay had always asserted that an honorable Peace was attainable only by an efficient War. In Congress he had been the originator and most ardent supporter of nearly all those measures which had for their object the vigorous prosecution of hostilities against Great Britain. On every occasion his trumpet-voice was heard, cheering on the House and the Country to confidence and victory. No auguries of evil—no croakings of despondency—no suggestions of timidity—no violence of Federal opposition could for a moment shake his patriotic purposes, diminish his reliance on the justice of our cause, or induce him to hesitate in that policy, which he believed the honor and—what was inseparable from the honor—the interests, of the Country demanded.

The measure of gratitude due him from his fellow citizens, for his exertions in this cause alone, is not to be calculated or paid. But in that scroll where Freedom inscribes the names of her worthiest champions, destined to an immortal renown in her annals, the name of HENRY CLAY will be found with those of WASHINGTON, JEFFERSON and MADISON.

Having been the most efficient leader in directing the legislative action which originated and directed to a prosperous termination the War with Great Britain—a War which the voice of an impartial Posterity must admit to have elevated and strengthened us as a Nation—Mr. Clay was now appropriately selected as one of the Commissioners to arrange a Treaty of Peace.

CHAPTER IV.

Meeting of the Ghent Commissioners—Mr. Clay visits Brussels—Anecdote—Mode of transacting Business—Untoward Event—Mr. Clay refuses to surrender to the British the Right to Navigate the Mississippi—His Reasons—Controversy between Messrs. Adams and Russell—Mr. Clay's Letter—Goes to Paris—Is introduced to the Duke of Wellington by Madame de Stael—Hears of the Battle of New-Orleans—Visits England—Lord Castlereagh and his First Waiter—Waterloo and Napoleon—Mr. Clay's Reception in England—Declines going to Court—Sir James Mackintosh—Lord Gambier, &c.—Mr. Clay's Return to New-York—Reception—Re-elected to Congress—Vindication of the War—Internal Improvements—His Country, his whole Country.

THE Commissioners met first at Gottingen, but their meetings were afterward transferred to Ghent. The conferences occupied a space of time of about five months. The American Commissioners were in reality negotiating with the whole British Ministry; for, whenever they addressed a Diplomatic note of any importance to the British Commissioners, it was by them transmitted to London, from which place the substance of an answer was returned in the form of instructions. The consequence was, that the American Commissioners, after having delivered a Diplomatic note, had to wait about a week before they received a reply.

In one of these pauses of the negotiation, Mr. Clay made a little excursion to Brussels, and Mr. Goulbourne went there at the same time. The British Commissioners had been in the habit of sending their English newspapers to the American Commissioners, through which the latter often derived the first intelligence of events occurring in America.

The morning after Mr. Clay's arrival in Brussels, upon his coming down to breakfast, his servant, Frederick Cara, whom he had taken with him from the City of Washington, threw some papers upon the breakfast table, and burst into tears. "What's the matter, Frederick?" The British have taken Washington, Sir, and Mr. Goulbourne has sent you those papers, which contain the account." "Is it possible?" exclaimed Mr. Clay. "It is too true, Sir," returned Frederick, whining piteously.

The news was by no means agreeable to Mr. Clay; nor was his concern diminished when he thought of the channel through which it had been conveyed to him, although fully persuaded that Mr. Goulbourne had not been actuated by any uncourteous spirit of exultation. Mr. Clay nevertheless resolved to avail himself of the first favorable opportunity for friendly retaliation; and one fortunately soon occurred. A point in the negotiation, which had been very much

pressed, was pacification with the Indians, which the American Commissioners assured the British would necessarily follow pacification with Great Britain. The former received some recent American newspapers containing an account of the actual conclusion of peace with some of the Indian tribes, but containing also an account of one of the splendid naval victories won on Lake Champlain or Lake Erie. Mr. Clay proposed to the American Commissioners, that these newspapers should be sent to the British, ostensibly for the purpose of showing that peace was made with some of the Indians, but in reality to afford them an opportunity of perusing the account of that victory. With the concurrence of his colleagues, he accordingly addressed an official note to the British Commissioners transmitting the newspapers.

The mode of transacting business among the American Commissioners was, upon the reception of an official note from the other party to deliberate fully upon its contents, and to discuss them at a board. After that, the paper was placed in the hands of one of the Commissioners to prepare an answer. Upon the preparation of that answer, it was carefully examined and considered by the board, every member of which took it to his lodgings to suggest in pencil such alterations as appeared to him proper; and these were again considered and finally adopted or rejected, and the paper handed to the Secretary to be copied and recorded.

In the composition of the official notes sent by the American to the British Commissioners, the pen of Mr. Gallatin was, perhaps, most frequently employed; then that of Mr. Adams; then that of Mr. Clay. Messrs. Bayard and Russell wrote the least.

During the progress of the negotiation and at a very critical period of it, the official dispatches of the American Commissioners, giving a full account of the prospects of the negotiation, and expressing very little hope of its successful termination, having been published by the order of the American Government, came back to the Commissioners at Ghent in the newspapers. They arrived in the evening, just as the American Commissioners were dressed to go to a ball given to the Commissioners by the authorities of Ghent. The unexpected publication of these dispatches excited the surprise and regret of the American Commissioners. Some of them thought that a rupture of the negotiation would be the consequence. Mr. Clay, on account of his open and frank manner, was on terms of more unreserved and free intercourse with the British Commissioners than any of his colleagues, and he resolved that evening to sound the former as to the effect of this publication of the dispatches. He accordingly addressed himself to the three Commissioners severally in succession at the ball, beginning with Lord Gambier, who was the most distinguished for amenity and benevolence of character, and saying: "You perceive, my Lord, that our Government has published our dispatches, and that now the whole world knows what we are doing here." "Yes," replied his Lordship, "I have seen it with infinite surprise, and the proceeding is without example in the civilized world." To which Mr. Clay mildly rejoined: "Why, my Lord, you must recollect that, at the time of the publication of those dispatches, our Government had every reason to suppose, from

the nature of the pretensions and demands, which yours brought forward, that our negotiation would not terminate successfully, and that the publication would not find us here together. I am quite sure, that if our Government had anticipated the present favorable aspect of our deliberations, the publication of the dispatches would not have been ordered. Then, your Lordship must also recollect, that if, as you truly asserted, the publication of dispatches pending a negotiation is not according to the custom of European diplomacy, our Government itself is organized upon principles totally different from those on which European Governments are constituted. With us, the business in which we were here engaged, is the people's business. We are their servants, and they have a right to know how their business is going on. The publication, therefore, was to give the people information of what intimately affected them."

Lord Gambier did not appear to be satisfied with this explanation, although he was silenced by it. Mr. Clay had a similar interview with the two other British Commissioners; and their feelings, in consequence of the publication, were marked by the degree of excitability of their respective characters. But the fears which were entertained by some of the American Commissioners were not realized. The publication was never spoken of in conference, and the negotiation proceeded to a successful issue as if it had not happened.

Between the American Commissioners, in the conduct of the negotiation at Ghent, no serious difficulty arose, except on one point, and that related to the subject of the Fisheries and navigation of the Mississippi. By the third article of the definitive Treaty of peace with Great Britain concluded in September, 1783, certain rights of fishing, and of drying and curing fish within the limits of British jurisdiction, and upon British soil, were secured to the citizens of the United States. And by the eighth article of the same Treaty, it was stipulated that the right to the navigation of the River Mississippi, from its source to the Ocean, should remain for ever free and open to the subjects of Great Britain and the citizens of the United States. The same mutual right of navigation was recognized by Mr. Jay's treaty of 1794.

When the American Commissioners were in consultation as to the project of a treaty to be presented to the consideration of the British Commissioners, it was proposed that an article should be inserted renewing those rights of taking and curing and drying fish, and of the navigation of the Mississippi. To such a proposal, Mr. Clay was decidedly opposed, and Mr. Russell concurred with him. The other three Commissioners were for making the proposal. The argument on that question was long, earnest and ardent. Mr. Clay contended, that the right of catching fish in the open seas and bays, being incontestible, the privilege of taking them and curing and drying them within the exclusive jurisdiction of Great Britain was of little or no importance, especially as it was limited to the time that the British Territory should remain unsettled. With respect to the navigation of the Mississippi, he contended, that at the dates both of the definitive Treaty of peace of 1783, and of Mr. Jay's Treaty of 1794, Spain owned the whole of the right bank of the

Mississippi, in all its extent, and both banks of it from the Mexican Gulf up to the boundary of the United States. That at both those periods, it was supposed that the British Dominions touched on the Upper Mississippi, but it was now known that they did not border at all on that river. That now the whole Mississippi, from its uppermost source to the gulf, was incontestibly within the limits of the United States. He could not, therefore, conceive the propriety of stipulating with Great Britain for a mutual right to the navigation of that river. It was the largest river in the United States; so large as to have acquired the denomination of the Father of rivers. Why select it from among all the rivers of the United States, and subject it to a foreign vassalage? Why do that in respect to the Mississippi which would not be tolerated as respects the North River, the James, or the Potomac? What would Great Britain herself think if a proposal were made that the citizens of the United States and the subjects of Great Britain should have a mutual right to navigate the Thames? To make the proposed concession, was to admit of a British partnership with the United States in the sovereignty of the Mississippi, so far as its navigation was concerned. Then there might be a doubt and a dispute whether the concession did not comprehend the tributaries as well as the principal stream. If the grant of the right to navigate the Mississippi was to be regarded as an equivalent for the concession of the fishing privileges, Mr. Clay denied that there was any affinity between the two subjects. They were as distant in their nature as they were remote from each other in their localities.

On the other side, it was contended that it would occasion regret and dissatisfaction in the United States, if any of the fishing privileges, or other privileges, which had been enjoyed before the breaking out of the War, should not be secured by the treaty of peace. That those fishing privileges were very important and dear to a section of the Union, which had been adverse to the war. That the British right to the navigation of the Mississippi was a merely nominal concession, which would not result in any practical injury to the United States. That foreigners now enjoyed the right to navigate all the rivers up to the ports of entry established upon them, without any prejudice to our interests. That Great Britain had been entitled to this right of navigating the Mississippi from the period of the acquisition of Louisiana to the Declaration of War in 1812, without any mischief or inconvenience to the United States.

To all this, Mr. Clay replied that if we lost the fishing privileges within the exclusive jurisdiction, we gained the total exemption of the Mississippi from this foreign participation with us in the right to its navigation. That the uncertainty as to the extent of privileges which the British right to navigate the Mississippi comprised, far from recommending the concession to him, formed an additional objection to it. That the period of about eight years between the acquisition of Louisiana and the Declaration of War, was too short for us to ascertain by experience what practical use Great Britain was capable of making of that right of navigation, which might be injurious to us. We knew that a great many of the Indian Tribes were situated upon the

sources of the Mississippi. The British right to navigate that river might bring her in direct contact with them, and we had sufficient experience of the pernicious use she might make of those Indians.—He was as anxious as any of his colleagues to secure all the rights of fishing, and curing and drying fish, which had hitherto been enjoyed; but he could not consent to purchase of temporary and uncertain privileges within the British limits, *at the expense of putting a foreign and degrading mark upon the nobles of all our rivers.*

After the argument, which was extended to several sessions of the consultation meetings of the American Commissioners, was exhausted, it appeared that the same three Commissioners were inclined to make the proposal. In that stage of the proceeding, Mr. Clay said, he felt it due to his colleagues to state to them *that he would affix his signature to no Treaty which should make to Great Britain the contemplated concession.* After the announcement of this determination, Mr. Bayard united with Messrs. Clay and Russell, and then formed a majority against tendering the proposal—and it was not made.

But, at a subsequent period of the negotiation, when the British Commissioners made their propositions for a Treaty, one of the propositions was to renew the British right to navigate the Mississippi simply, without including the fishing privileges in question. On examining this proposal, the American Commissioners considered, first, whether they should accept the proposal with or without conditions. All united in agreeing that it ought not to be unconditionally accepted. But the same three Commissioners who had been originally in favor of an article which should include both the Mississippi and the fishing privileges within the British limits, appeared to be now in favor of accepting the British proposal, upon the condition that it should comprehend those fishing privileges. Mr. Clay did not renew the expression of his determination to sign no Treaty which should concede to the British the right to the navigation of the Mississippi, although he remained fixed in that purpose; for he apprehended that a repetition of the expression of his determination might be misconceived by his colleagues.

It was accordingly proposed to the British Commissioners to accept their proposal with the condition just stated. In a subsequent conference between the two commissions, the British declined accepting the proposed conditions, and it was mutually agreed to leave both subjects out of the Treaty. And thus, as Mr. Clay wished from the first, the Mississippi River became liberated from all British pretensions of a right to navigate it from the Ocean to its source.

A controversy having arisen between Messrs. Adams and Russell, about the year 1823, in respect to some points in the negotiations at Ghent, an embittered correspondence took place between those two gentlemen. In the course of it, Mr. Clay thought that Mr. Adams had unintentionally fallen into some errors, which Mr. Clay, in a note addressed to the public, stated he would at some future day correct. About the year 1823 or 1829, Mr. Russell, without the previous consent of Mr. Clay, published a confidential letter addressed by Mr. Clay to him, in which Mr. C. expresses his condem-

nation of Mr. Russell's course in the alteration of some of his letters, which had been charged and proved upon him by Mr. Adams. In that same letter, Mr. Clay gives his explanation of some of the transactions at Ghent, respecting which he thought Mr. Adams was mistaken. The publication of the confidential letter superseded the necessity of making the corrections which Mr. C. had intended. In this letter, Mr. Clay in no instance impugns the motives of Mr. Adams, nor does it contain a line from which an unfriendly state of feeling on the part of the writer toward Mr. Adams could be inferred.

Such was Mr. Clay's pride of country that he had resolved not to go to England until he had heard of the ratification of the Treaty of Ghent. After the termination of the negotiations he went to Paris, and accepted the invitation of Mr. Crawford, our Minister, to take apartments in his hotel. Mr. Clay remained in Paris during upward of two months. On the night of his arrival in that brilliant metropolis, he found at Mr. Crawford's an invitation to a ball given by the American banker, Mr. Hottinguer, on the occasion of the pacification between the United States and Great Britain. There he met for the first time the celebrated Madame de Stael—was introduced to her, and had with her a long and animated conversation.

"Ah!" said she, "Mr. Clay, I have been in England, and have been battling your cause for you there."—"I know it, Madame; we heard of your powerful interposition, and we are grateful and thankful for it."—"They were very much enraged against you," said she: "so much so, that they at one time thought seriously of sending the Duke of Wellington to command their Armies against you!"—"I am very sorry, Madame," replied Mr. Clay, "that they did not send his Grace."—"Why?" asked she, surprised.—"Because, Madame, if he had beaten us, we should only have been in the condition of Europe, without disgrace. But, if we had been so fortunate as to defeat him, we should have greatly added to the renown of our arms."

The next time he met Madame de Stael was at a party at her own house, which was attended by the Marshals of France, the Duke of Wellington, and other distinguished persons. She introduced Mr. Clay to the Duke, and at the same time related the above anecdote. He replied, with promptness and politeness, that if he had been sent on that service, and had been so fortunate as to have been successful over a foe as gallant as the Americans, he would have regarded it as the proudest feather in his cap.

During his stay in Paris, Mr. Clay heard of the issue of the Battle of New-Orleans. Now," said he to his informant, "I can go to England without mortification." But he expressed himself greatly mortified at the inglorious flight *attributed*, in the Dispatches of the American General, to a portion of the Kentucky Militia, which Mr. Clay pronounced must be a mistake.

Having heard of the ratification of the Treaty of Ghent, Mr. Clay left Paris for England in March, 1815, just before the arrival of Bonaparte in the French Capital. He thus missed the opportunity of seeing the Great Corsican. He would have remained in Paris for the purpose, had he supposed the Emperor would arrive so soon. It was about this time that Louis XVIII. left Paris, and took up

his residence in Ghent, near the Hotel which the American Commissioners had recently occupied.

On his arrival in England, before any of the other American Commissioners, Mr. Clay had an interview with Lord Castlereagh, who contracted for him a high esteem, which was frequently manifested during his sojourn in England. Lord C. offered to present him to the Prince Regent. Mr. Clay said he would go through the ceremony, if it were deemed necessary or respectful. Lord Castlereagh said that, having been recognized in his public character by the British Government, it was not necessary, and that he might omit it or not, as he pleased. Mr. Clay's repugnance to the parade of Courts prevented his presentation, and he never saw the Prince. He met, however, with most of the other members of the Royal Family.

A few days after his interview with Lord Castlereagh, the keeper of the house at which Mr. Clay lodged announced a person who wished to speak with him. Mr. Clay directed him to be admitted; and, on his entrance, he perceived an individual, dressed apparently in great splendor, come forward, whom he took to be a Peer of the Realm. He rose and asked his visitor to be seated, but the latter declined, and observed that he was the First Waiter of my Lord Castlereagh! "The First Waiter of my Lord Castlereagh!" exclaimed Mr. Clay; "well, what is your pleasure with me?"—"Why, if your Excellency pleases," said the man, "it is usual for a Foreign Minister, when presented to Lord Castlereagh, to make to his First Waiter a present, or pay him the customary stipend;" at the same time handing to Mr. Clay a long list of names of Foreign Ministers, with the sum which every one had paid affixed to his name.

Mr. Clay, thinking it a vile extortion, took the paper, and, while reading it, thought how he should repel so exceptionable a demand. He returned it to the servant, telling him that, as it was the custom of the country, he presumed it was all right; but that he was not the Minister to England; Mr. Adams was the Minister, and was daily expected from Paris, and he had no doubt, would do whatever was right. "But," said the servant, very promptly, "if your Excellency pleases, it makes no difference whether the Minister presented be the Resident Minister or a Special Minister, as I understand your Excellency to be;—it is always paid." Mr. Clay, who had come to England to argue with the master, finding himself in danger of being beaten in argument by the man, concluded it was best to conform to the usage, objectionable as he thought it; and, looking over the paper for the smallest sum paid by any other Minister, handed the fellow five guineas and dismissed him.

Mr. Clay was in London when the Battle of Waterloo was fought, and witnessed the illuminations, bonfires and rejoicings to which it gave rise. For a day or two, it was a matter of great uncertainty what had become of Napoleon. During this interval of anxious suspense, Mr. Clay dined at Lord Castlereagh's with the American Ministers, Messrs. Adams and Gallatin, and the British Ministry. Bonaparte's flight and probable place of refuge became the topics of conversation. Among other conjectures, it was suggested that he might have gone to the United States; and Lord Liverpool, ad-

ressing Mr. Clay, asked:—"If he goes there, will he not give you a good deal of trouble?"—"Not the least, my Lord," replied Mr. Clay, with his habitual promptitude—"we shall be very glad to receive him; we would treat him with all hospitality, and very soon make of him a good Democrat."

The reply produced a very hearty peal of laughter from the whole company.

Mr. Clay was received in the British circles, both of the Ministry and the Opposition, with the most friendly consideration. The late Sir James Mackintosh was one of his first acquaintances in London;—and of the lamented Sir Samuel Romilly and his beautiful and accomplished lady, Mr. Clay has been heard to remark, that they presented one of the most beautiful examples of a happy man and wife that he had ever seen. He passed a most agreeable week with his Ghent friend, Lord Gambier, at Iver Grove, near Windsor Castle. Of this pious and excellent nobleman, Mr. Clay has ever retained a lively and friendly recollection. He visited with him Windsor Castle, Frogmore Lodge, the residence of the descendant of William Penn, and saw the wife of George III. and some of the daughters.

In September, 1815, Mr. Clay returned to his own country, arriving in New York, which port he had left in March, 1814. A Public Dinner was given to him and Mr. Gallatin, soon after their disembarkation. Every where, on his route home, and to his adopted State, he was received with continual demonstrations of public gratitude and approbation. In Kentucky he was hailed with every token of affection and respect. The Board of Trustees of Lexington waited upon him and presented their thanks for his eminent services in behalf of his country.

On the seventh of October, the citizens of the same town gave him a public dinner. In reply to a toast complimentary to the American negotiators, he made some brief and eloquent remarks concerning the circumstances under which the Treaty had been concluded, and the general condition of the country, both at the commencement and the close of the war. At the same festival, in reply to a toast highly complimentary to himself, he thanked the company for their kind and affectionate attention. His reception, he said, had been more like that of a brother than a common friend or acquaintance, and he was utterly incapable of finding words to express his gratitude. He compared his situation to that of a Swedish gentleman, at a festival in England, given by the Society for the Relief of Foreigners in Distress. A toast having been given, complimentary to his country, it was expected that he should address the company in reply. Not understanding the English language, he was greatly embarrassed, and said to the Chairman: "Sir, I wish you, and this Society, to consider me a *Foreigner in Distress*." "So," said Mr. Clay, evidently much affected, "I wish you to consider me a *friend in distress*."

In anticipation of his return home, Mr. Clay had been unanimously re-elected a Member of Congress from the District he formerly represented. Doubts arising as to the legality of this election, a new one was ordered, and the result was the same.

On the fourth of December, 1815, the Fourteenth Congress met, in its first session. Mr. Clay was again elected Speaker of the House of Representa-

tives, almost unanimously—receiving, upon the first balloting, eighty-seven out of one hundred and twenty-two votes cast—thirteen being the highest number given for any one of the five opposing candidates. He was, at this time, just recovering from a serious indisposition, but accepted the office in a brief and appropriate speech, acknowledging the honor conferred upon him, and pledging his best efforts for the proper discharge of its duties.

Among the important subjects which came up, that of the new Treaty was, of course, among the foremost. John Randolph and the Federalists, after having resisted the War, now took frequent occasion to sneer at the mode of its termination. On the 29th of January, 1816, Mr. Clay addressed the Committee of the House most eloquently in reply to these cavilers.

"I gave a vote," said he, "for the Declaration of War. I exerted all the little influence and talents I could command to make the War. The War was made. It is terminated. And I declare with perfect sincerity, if it had been permitted to me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. We had been insulted, and outraged, and spoliated upon by almost all Europe—by Great Britain, by France, by Spain, Denmark, Naples, and, to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the derision of our own citizens."

It had been objected by the Opposition that no provision had been made in the Treaty in regard to the impressment of our seamen by the British. On this subject, Mr. Clay said—and his argument is as conclusive as it is lofty:—"One of the great causes of the War and of its continuance was the practice of impressment exercised by Great Britain—and if this claim had been admitted by necessary implication or express stipulation, the rights of our seamen would have been abandoned! It is with utter astonishment that I hear it has been contended in this country that, because our right of exemption from the practice had not been expressly secured in the Treaty, it was, therefore, given up! It is impossible that such an argument can be advanced on this floor. No Member, who regarded his reputation, would venture to advance such a doctrine!"

In conclusion, Mr. Clay declared, on this occasion that his policy, in regard to the attitude in which the country should now be placed, was to preserve the present force, naval and military—to provide for the augmentation of the Navy—to fortify the weak and vulnerable points indicated by experience—to construct Military roads and canals—and, in short, "TO COMMERCE THE GREAT WORK OF INTERNAL IMPROVEMENT."

"I would see," he said, "a chain of turnpike roads and canals from Passamaquoddy to New-Orleans; and other similar roads intersecting mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together. I would also effectually protect our MANUFACTORIES. I would afford them protection, not so much for the sake of the Manufacturers themselves as for the general interest."

It was in this patriotic spirit, and impelled by this far-sighted, liberal, and truly American policy, that

Mr. Clay resumed his legislative labors in the National Councils. He has lived to carry out those truly great and Statesman-like measures of Protection and Internal Improvement, which even then began to gather shape and power in a mind ever active in the cause of his country. May he live to receive a testimonial of that country's gratitude and admiration in the bestowal upon him of the highest honor in her gift!

CHAPTER V.

Re-charter of the United States Bank—Mr. Clay's views in 1811, and 1816—Scene in the House with Randolph—The compensation Bill—Canvasses his District—Skirmish with Mr. Pope—The Old Hunter and his Rifle—The Irish Barber—Repeal of the Compensation Bill—South American Independence—Internal Improvements—Mr. Clay's Relations with Mr. Madison—Intention of Madison at one time to appoint him Commander-in-Chief of the Army—Election of James Monroe—Mr. Clay carries his Measures in behalf of the South American States—His Eloquent Appeals—His Efforts Successful—His Speeches Read at the Head of the South American Armies—Letter from Bolivar—and Clay's Reply.

The financial condition of the United States at the close of the War was extremely depressed. The currency was deranged—public credit impaired—and a heavy debt impending. In his message, at the opening of the Session of 1815-16, President Madison stated the condition of public affairs, and indicated the establishment of a National Bank and of a Protective Tariff as the two great measures of relief.

On the eighth of January, 1816, Mr. Calhoun from the committee on that part of the President's Message, relating to the Currency, reported a bill to incorporate the subscribers to a Bank of the United States.

It will be remembered that Mr. Clay in 1811, while a member of the Senate, had opposed the re-chartering of the old Bank. His reasons for now advocating the bill before the House have been fully and freely communicated to the public.

When the application was made to renew the old charter of the Bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of any of the objects specifically enumerated in the Constitution as to justify Congress in assuming, by construction, power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several States were at that time in prosperous existence, confided in by the community, having confidence in one another, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the Treasury to aid that department in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded in his judgment the necessity of a National Institution.

But how stood the case in 1816, when he was called upon again to examine the power of the General Government to incorporate a National Bank? A total change of circumstances was presented. Events of the utmost magnitude had intervened. A suspension of specie payments had taken place. The currency of the country was completely vitiated. The Government issued paper bearing an interest of six per cent, which it pledged the faith of the country to redeem. For this paper, guaranteed by the honor and faith of the Government, there was obtained for ev-

ery one hundred dollars, eighty dollars from those banks which suspended specie payments. The experience of the War therefore showed the necessity of a Bank. The country could not get along without it. Mr. Clay had then changed his opinion on the subject, and he had never attempted to disguise the fact. In his position as Speaker of the House, he might have locked up his opinion in his own breast. But with that candor and fearlessness which have ever distinguished him, he had come forward, as honest men ought to come forward, and expressed his change of opinion, at the time when President Madison and other eminent men changed their course in relation to the Bank.

The Constitution confers on Congress the power to coin Money and to regulate the value of Foreign Coins: and the States are prohibited to coin money, to emit bills of credit, or to make any thing but gold or silver coin a tender in payment of debts. The plain inference was, that the subject of the general currency was intended to be submitted exclusively to the General Government. In point of fact, however, the regulation of the General Currency was in the hands of the State Governments, or, what was the same thing, of the Banks created by them. Their paper had every quality of money, except that of being made a tender, and even this was imparted to it, by some States, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt.

It was incumbent upon Congress to recover the control which it had lost over the General Currency. The remedy called for was one of caution and moderation, but of firmness. Whether a remedy, directly acting upon the Banks and their paper thrown into circulation, was in the power of the General Government or not, neither Congress nor the community were prepared for the application of such a remedy.

An indirect remedy of a milder character seemed to be furnished by a National Bank. Going into operation with the powerful aid of the Treasury of the United States, Mr. Clay believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by Congress for that object, he believed the remedy effectual. The local Banks must follow the example, which the National Bank would set them, of redeeming their notes by the payment of specie, or their notes would be discredited and pnt down.

If the Constitution, then, warranted the establishment of a Bank, other considerations, besides those already mentioned, strongly urged it. The want of a general medium was everywhere felt. Exchange varied continually, not only between different parts of the Union, but between different parts of the same City. If the paper of a National Bank were not redeemed in specie, it would be much better than the current paper, since though its value, in comparison with specie, might fluctuate, it would afford an uniform standard.

During this discussion of 1816, on the Bank Charter, a collision arose between Messrs. Clay and Randolph, which produced great sensation for the moment, and which it was apprehended might lead to serious consequences. Although Mr. Clay had changed his own opinion in regard to a Bank, he did not feel authorized to seek, in private inter-

course, to influence that of others, and observed a silence and reserve not usual to him, on the subject. Mr. Randolph commented on this fact, and used language, which might bear an offensive interpretation. When he was done, Mr. Clay rose with perfect coolness, but evidently with a firm determination, and adverting to the offensive language, observed that it required explanation, and that he should forbear saying what it became him to say until he heard the explanation, if any, which the Member from Virginia had to make. He sat down. Mr. Randolph rose and made an explanation. Mr. Clay again rose, and said that the explanation was not satisfactory. Whereupon Mr. R. again got up and disclaimed expressly all intentional offence.

During the transaction of this scene, the most intense anxiety and the most perfect stillness pervaded the House. You might have heard a pin fall in any part of it.

The bill to re-charter the Bank was discussed for several weeks in the House. The vote was taken, on its third reading, on the 14th of March, 1816, when it was passed: 80 Ayes to 71 Nays: and sent to the Senate for concurrence. On the 2d of April, after the bill reported by the Financial Committee had received a full and thorough discussion, it was finally passed in that body by a vote of 22 to 12—two Members only being absent. The amendments of the Senate were speedily adopted by the House, and on the 10th of April the bill became a law, by the signature of the President. The wisdom of the supporters of the measure was soon made manifest in the fact, that the Institution more than realized the most sanguine hopes of its friends. During the period of its existence the United States enjoyed a currency of unexampled purity and uniformity; and the bills of the Bank were as acceptable as silver in every quarter of the Globe. In another part of this memoir will be found an outline of such a Fiscal Institution as Mr. Clay would be in favor of, *whenever a majority of the people of the United States might demand the establishment of a National Bank.*

On the 6th of March, 1816, Col. Richard M. Johnson, from a Committee appointed for the purpose, reported a bill changing the mode of compensation to Members of Congress. The pay of Members at that time was six dollars a day—an amount which, from its inadequacy, threatened to place the legislation of the country in the hands of the wealthy. The new bill gave Members a salary of fifteen hundred dollars a year—to the presiding officer twice that amount. It passed both houses without opposition. Mr. Clay preferred the increase of the daily compensation to the institution of a salary, but the majority were against him, and he acquiesced in their decision.

He never canvassed for a seat in the House of Representatives but on one occasion, and that was after the passage of this unpalatable bill. It produced very great dissatisfaction throughout the United States, and extended to the district which he represented. Mr. Pope, a gentleman of great abilities, was his competitor. They had several skirmishes at popular meetings, with various success; but having agreed upon a general action, they met at Highie, a central place and convenient of access to the three counties composing the district. A vast

multitude assembled; and the rival candidates occupied in their addresses the greater part of the day.

Instead of confining himself to a defence of the Compensation Bill, which he never heartily approved in the form of an annual salary to Members of Congress, Mr. Clay carried the war into the enemy's country. He attacked Mr. Pope's vote against the Declaration of War with Great Britain, dwelt on the wrongs and injuries which that power had inflicted on the United States, pointed out his inconsistency in opposing the War upon the ground of a want of preparation to prosecute it, and yet having been willing to declare War against both France and Great Britain. Thus he put his competitor on the defensive. The effect of the discussion was powerful and triumphant on the side of Mr. Clay. From that day his success was no longer doubtful, and, accordingly, at the election which shortly after ensued, he was chosen by a majority of six or seven hundred votes.

During the canvass, Mr. Clay encountered an old hunter, who had always before been his warm friend, but was now opposed to his election on account of the Compensation Bill. "Have you a good rifle, my friend?" asked Mr. Clay. "Yes." "Does it ever flash?" "Once only," he replied. "What did you do with it—throw it away?" "No, I picked the flint, tried it again, and brought down the game." "Have I ever flashed but upon the Compensation Bill?" "No." "Will you throw me away?" "No, no!" exclaimed the hunter, with enthusiasm, nearly overpowered by his feelings: "I will pick the flint, and try you again!" He was afterward a warm supporter of Mr. Clay.

This anecdote reminds us of another, which is illustrative of that trait of boldness and self-possession, in the manifestation of which Mr. Clay has never been known to fail during his public career. At the time that he was a candidate for election to the Legislature of Kentucky in 1803, while passing a few weeks at the Olympian Springs, a number of hunters, old and young, assembled to hear him make a "stump speech." When he had finished, one of the audience, an ancient Nimrod, who had stood leaning upon his rifle for some time, regarding the young orator with keen attention, commenced a conversation with him.

"Young man," said he, "you want to go to the Legislature, I see?"

"Why, yes," replied Mr. Clay, "since I have consented to be a candidate, I would prefer not to be defeated."

"Are you a good shot?"

"Try me."

"Very well; I would like to see a specimen of your qualifications for the Legislature. Come: we must see you shoot."

"But I have no rifle here."

"No matter: here is old Bess; and she never fails in the hands of a marksman; she has often sent death through a squirrel's head at one hundred yards, and daylight through many a red-skin twice that distance; if you can shoot with any gun, you can shoot with old Bess."

"Well, well: put up your mark, put up your mark," said Mr. Clay.

The target was placed at the distance of about eighty yards, when, with all the coolness and stead-

iness of an experienced marksman, he lifted "old Bess" to his shoulder, fired, and pierced the very centre of the target.

"Oh, a chance shot! a chance shot!" exclaimed several of his political opponents. "He might shoot all day, and not hit the mark again. Let him try it over—let him try it over."

"No; heat that and then I will," retorted Mr. Clay. But as no one seemed disposed to make the attempt, it was considered that he had given satisfactory proof of his superiority as a marksman; and this felicitous accident gained him the vote of every hunter in the assembly. The most remarkable feature in the transaction remains to be told. "I had never," said Mr. Clay, "fired a rifle before, and never have since." It is needless to add that the election resulted in his favor.

An Irish harber, residing in Lexington, had supported Mr. Clay with great zeal at all elections, when he was a candidate, prior to the passage of the Compensation Bill. The fellow's unrestrained passions had frequently involved him in scrapes and difficulties, on which occasions Mr. Clay generally defended him and got him out of them. During the canvass, after the Compensation Bill, the harber was very reserved, took no part in the election, and seemed indifferent to its fate. He was often importuned to state for whom he meant to vote, but declined. At length, a few days before the election, he was addressed by Dr. W—, a gentleman for whom he entertained the highest respect, and pressed to say to whom he meant to give his suffrage. Looking at the inquirer with great earnestness and shrewdness, he said: "I tell you what, 'docthur, I mane to vote for the man that can put 'but one hand into the Treasury.'" Mr. Pope had the misfortune to lose, in early life, one of his arms, and here lay the point of the Irishman's reply.

It is due to the memory of Jeremiah Murphy, the harber, to state that he repented of his ingratitude to Mr. Clay, whom he met one day in the streets of Lexington, and, accosting him, burst into tears, and told him that he had wronged him; and that his poor wife had got round him, crying and reproaching him for his conduct, saying: "Do n't you remember, Jerry, when you were in jail, Mr. Clay 'came to you, and made that heast, William B—, 'the jailor, let you out?'"

Having found that the sentiments of his constituents were decidedly opposed to the Compensation Bill, Mr. Clay, at the ensuing session, voted for its repeal. A daily allowance of eight dollars to every Member was substituted for the salary of fifteen hundred dollars.

During the month of February, a bill was introduced, setting apart and pledging as a fund for Internal Improvement the bonus of the United States' share of the dividends of the National Bank. As may be presumed, this measure received the hearty support of Mr. Clay. Without entering at length into a discussion of the subject, he expressed a wish only to say that "He had long thought there were 'no two subjects which could engage the attention 'of the National Legislature, more worthy of its deliberate consideration than those of Internal Improvements and Domestic Manufactures.'" For Constitutional reasons, President Madison withheld

his signature from this bill, much to the surprise of his friends.

During the administration of Mr. Madison, Mr. Clay was, on two separate occasions, offered a seat in his Cabinet, or the Mission to Russia, by that distinguished Chief Magistrate. He declined them both. Mr. Madison appears to have had the highest estimate of his talents and worth. Indeed, so impressed was he with the eminent and versatile abilities of Mr. Clay, that he had selected him, at the commencement of the War, to be *Commander in Chief of the Army*. The nomination was not made, solely because Mr. Clay could not be spared from Congress, where his powerful mind and paramount influence enabled him to render services superior to any that could have been rendered in any other position.

On the fourth of March, 1817, James Monroe took the oath prescribed by the Constitution, and entered upon the duties of the Presidency of the United States. The first session of the Fifteenth Congress commenced the ensuing December. Mr. Clay was again chosen Speaker.

It would be impossible in the brief space we have allotted to ourselves to present even a brief abstract of his remarks upon the many important topics which now claimed the attention of Congress. We must content ourselves with a succinct account of the leading measures with which his name and his fame have become identified.

In his speech on the state of the Union in January, 1816, he had expressed his sympathies in behalf of the South American Colonists, who were then struggling to throw off the yoke of the Mother Country. The Supreme Congress of the Mexican Republic afterwards voted him their thanks "for the disinterested, manly and generous sentiments he expressed 'on the floor of the House for the welfare of the Infant Republic.'"

In the debate on the proposition to reduce the Direct Taxation of the Country, he had alluded to the existing peaceful condition of the United States, and had hinted the possibility of hostilities with Spain. He had heard that the Minister of that Nation had demanded the surrender of a portion of our soil—that part of Florida lying west of the Perdido. Without speaking of it as it deserved—of the impudence of such a demand—he alluded to it as indicative of the disposition of the Spanish Government. "Besides," said he, "who can tell with certainty how far it may 'be proper to aid the people of South America in the 'establishment of their Independence?' The subject, he avowed, had made a deep impression on his mind; and he was not in favor of exhorting, by direct taxes, the country of those funds which might be needed to vindicate its rights at home, or, if necessary, to aid the cause of Liberty in South America."

These remarks aroused all the spleen of Mr. Randolph. "As for South America," said he, in his reply to Mr. Clay, "I am not going a-tilting for the 'liberties of her People; they came not to our aid; let us mind our own business, and not tax our People for the liberties of the People of Spanish America.'" He went on to ridicule the notion that the People of Caracas and Mexico were capable either of enjoying or of understanding liberty and insinuated that Mr. Clay was influenced by a desire of

conquest. "The honorable gentleman," he said "had been sent on a late occasion to Europe; he 'had been near the field of Waterloo, and, he feared, 'had snuffed the carnage and caught the infection.'" "What!" said he, "increase our Standing Army in 'time of peace, on the suggestion that we are to go 'on a crusade to South America?" Mr. Clay intimated that he had advocated no such measure.—"Do I not understand the gentleman?" said Mr. Randolph; "I am sorry I do not; I labor under two 'great misfortunes—one is that I can never understand the honorable Speaker—the other is that he 'can never understand me: on such terms, an argument can never be maintained between us, and I 'shall, therefore, put an end to it." Mr. Clay simply expressed his surprise that he could so have misunderstood his remarks, and deferred the general argument to another occasion.

Soon after, on a proposition to "prevent our citizens from selling vessels of war to a foreign power," Mr. Clay opposed the bill, on account of its evident bearing upon the question of South American Independence; it would every where be understood as a law framed expressly to prevent the offer of the slightest aid to these Republics by our citizens.—"With respect to the nature of their struggle," he said, "I have not now, for the first time, to express 'my opinion and wishes. I wish them Independence. It is the first step towards improving their 'condition.'"

During the summer of 1816, the President had appointed Messrs. Rodney, Graham and Bland, Commissioners to proceed to South America, to ascertain the condition of the country. In March, 1818, the Appropriation Bill being before the House, Mr. Clay objected to the clause appropriating \$30,000 for their compensation, as unconstitutional. He then offered an amendment, appropriating eighteen thousand dollars as the outfit and one year's salary of a Minister, to be deputed from the United States to the Independent Provinces of the River La Plata, in South America. The amendment was lost; but Mr. Clay's speech in support of it was one of his most memorable efforts. Both Congress and the President were opposed to any recognition of the Independence of the South American Colonists. In rising to promulgate views hostile to theirs, Mr. Clay said that, much as he valued those friends, in and out of the House, from whom he differed, he could not hesitate when reduced to the distressing alternative of conforming his judgment to theirs, or pursuing the deliberate and matured dictates of his own mind.

He maintained that an oppressed People were authorized, whenever they could, to rise and break their fetters. This was the great principle of the English Revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right.

Mr. Clay said he was no propagandist. He would not seek to force upon other nations our principles and our liberty, if they did not want them. He would not disturb the repose even of a detestable despotism. But, if an abused and oppressed People willed their freedom; if they sought to establish it; if, in truth, they *had* established it, we had a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest required.

The Opposition had argued that the People of Spanish America were too ignorant and superstitious to appreciate and conduct an independent and free system of Government. We believe it is Macaulay, who says of this plea of ignorance as an argument against emancipation, that with just as much propriety might you argue against a person's going into the water until he knew how to swim.—Mr. Clay denied the alleged fact of the ignorance of the Colonists.

With regard to their superstition, he said: "They worshipped the same God with us. Their prayers were offered up in their temples to the same Redeemer, whose intercession we expected to save us. *Nor was there anything in the Catholic religion unfavorable to freedom.* All religions united with government were more or less inimical to liberty. *All separated from government were compatible with liberty.*"

Having shown that the cause of the South American patriots was just, Mr. Clay proceeded to inquire what course of policy it became us to adopt. He maintained that a recognition of their independence was compatible with perfect neutrality and with the most pacific relations toward old Spain. Recognition alone, without aid, was no just cause of war. With aid, it was; not because of the recognition, but because of the aid, as aid, without recognition, was cause of war.

After demonstrating that the United States were bound, on their own principles, to acknowledge the Independence of the United Provinces of the river Plate, he alluded to the improbability that any of the European Monarchies would set the example of recognition. "Are we not bound," he asked, "upon our own principles, to acknowledge this new republic? If WE do not, *who will?*"

The simple words, "*who will?*" are said, by an intelligent observer, who was present, to have been uttered in a tone of such thrilling pathos as to stir the deepest sensibilities of the audience. It is by such apparently simple appeals that Mr. Clay, with the aid of his exquisitely modulated voice, often produces the most powerful and lasting effects.

We shall not attempt to present a summary of this magnificent address. "No abstract," says one who heard it, "can furnish an adequate idea of a speech, which, as an example of argumentative oratory, may be safely tried by the test of the most approved models of any age or country. Rich in all the learning connected with the subject; methodized in an order which kept that subject constantly before the hearer, and enabled the meanest capacity to follow the speaker without effort, through a long series of topics, principal and subsidiary; at once breathing sentiments of generous philanthropy and teaching lessons of wisdom; presenting a variety of illustrations which strengthened the doctrines that they embellished; and uttering prophecies, on which, though rejected by the infidelity of the day, time has stamped the seal of truth: this speech will descend to the latest posterity and remain embalmed in the praises of mankind, long after the tumults of military ambition and the plots of political profligacy have passed into oblivion."

After repeated efforts and repeated failures to carry his generous measures in behalf of South American Liberty, Mr. Clay, on the tenth of February

1821, submitted for consideration a resolution declaring that the House of Representatives participated with the people of the United States, in the deep interest which they felt for the success of the Spanish Provinces of South America, which were struggling to establish their liberty and independence; and that it would give its constitutional support to the President of the United States, whenever he might deem it expedient to recognize the sovereignty and independence of those Provinces.

On this resolution, a debate of nearly four hours ensued, in which Mr. Clay sustained the principal part. Only twelve Members voted against the first clause of it; and on the second, the votes were eighty-seven for, and sixty-eight against it. The question was then taken on the resolution as a whole, and carried in the affirmative; and Mr. Clay immediately moved that a Committee of two Members should be appointed, to present it to President Monroe. Although such a course was not very usual, a Committee was accordingly ordered, and Mr. Clay was appointed its Chairman. It was a great triumph. He had been long and ardently engaged in the cause, and, during a greater part of the time, opposed by the whole weight of Mr. Monroe's administration. And when he was appointed Chairman of the Committee, to present the resolution, Mr. Monroe's friends regarded it as a personal insult, and Mr. Nelson, of Virginia, one of the warmest of them, retired from the Capitol, after the adjournment of the House, denouncing the act in the loudest tones of his remarkable voice, on his way down the Pennsylvania Avenue, as an unprecedented indignity to the Chief Magistrate.

On the 8th day of March, 1822, the President sent a Message to the House of Representatives, recommending the recognition of South American Independence. The recommendation was referred to the Committee on Foreign Relations, which, on the 19th of the same month, reported in favor of the recommendation, and of an appropriation to carry it into effect. The vote of recognition was finally passed on the 23th, with but a single dissenting voice.

Such is a brief sketch of Mr. Clay's magnanimous efforts in behalf of South American Independence. His zeal in the cause was unalloyed by one selfish impulse or one personal aim. He could hope to gain no political capital by his course. He appealed to no sectional interest; sustained no party policy; labored for no wealthy client; secured the influence of no man, or set of men, in his championship of a remote, unfriended and powerless people. Congress and the President were vehemently opposed to his proposition. But in the face of discomfiture, he persevered till he succeeded in making converts of his opponents, and in effecting the triumph of his measure. Almost single-handed, he sustained it through discouragement and hostility, till it was crowned with success.

The effect of his spirit-stirring appeals in cheering the patriots of South America, was most gratifying and decided. His memorable plea of March, 1818, was, as one of his most embittered adversaries has told us, read at the head of the South American Armies, to exalt their enthusiasm in battle, and quicken the consummation of their triumphs.

The following letter from Bolivar, with Mr. Clay's reply, belongs to this period of his history:

Bogotá, 21st November, 1827.

"SIR: I cannot omit availing myself of the opportunity offered me by the departure of Col. Watts, Chargé d'Affaires of the United States, of taking the liberty of addressing your Excellency. This desire has long been entertained by me for the purpose of expressing my admiration of your Excellency's brilliant talents and ardent love of liberty. All America, Columbia, and myself owe your Excellency our purest gratitude for the incomparable services you have rendered to us, by sustaining our course with a sublime enthusiasm. Accept, therefore, this sincere and cordial testimony, which I hasten to offer to your Excellency, and to the Government of the United States, who have so greatly contributed to the emancipation of your Southern brethren.

"I have the honor to offer to your Excellency my distinguished consideration.

"Your Excellency's obedient servant,

"BOLIVAR."

The following is a characteristic extract from Mr. Clay's Reply:

"WASHINGTON, 27th October, 1828.

"SIR: It is very gratifying to me to be assured directly by your Excellency, that the course which the Government of the United States took on this memorable occasion, and my humble efforts, have excited the gratitude and commanded the approbation of your Excellency. I am persuaded that I do not misinterpret the feelings of the people of the United States, as I certainly express my own, in saying, that the interest which was inspired in this country by the arduous struggles of South America, arose principally from the hope, that, along with its Independence, would be established Free Institutions, insuring all the blessings of Civil Liberty. To the accomplishment of that object we still anxiously look. We are aware that great difficulties oppose it, among which, not the least, is that which arises out of the existence of a large military force, raised for the purpose of resisting the power of Spain. Standing armies, organized with the most patriotic intentions, are dangerous instruments.—They devour the substance, debauch the morals, and too often destroy the liberties of the people. nothing can be more perilous or unwise than to retain them after the necessity has ceased, which led to their formation, especially if their numbers are disproportionate to the revenues of the State.

"But, notwithstanding all these difficulties, we had fondly cherished, and still indulge the hope, that South America would add a new triumph to the cause of Human Liberty; and, that Providence would bless her, as He had her Northern sister, with the genius of some great and virtuous man, to conduct her securely through all her trials. We had even flattered ourselves, that we beheld that genius in your Excellency. But I should be unworthy of the consideration with which your Excellency honors me, and deviate from the frankness which I have ever endeavored to practice, if I did not, on this occasion, state, that ambitious designs have been attributed by your enemies to your Excellency which have created in my mind great solicitude. They have cited late events in Colombia as proofs of these designs. But slow in the withdrawal of confidence, which I have once given, I have been most unwilling to credit the unfavorable accounts which have from time to time reached me. I cannot allow myself to believe, that your Excellency will abandon the bright and glorious path which lies plainly before you, for the bloody road passing over the liberties of the human race, on which the vulgar crowds of tyrants and military despots have so often trodden. I will not doubt, that your Excellency will, in due time, render a satisfactory explanation to Colombia and the world, of the parts of your public conduct which have excited any distrust; and that, preferring the true

glory of our immortal Washington to the ignoble fame of the destroyers of Liberty, you have formed the patriotic resolution of ultimately placing the freedom of Colombia upon a firm and sure foundation. That your efforts to that end may be crowned with complete success, I most fervently pray.

"I request that your Excellency will accept assurances of my sincere wishes for your happiness and prosperity.

H. CLAY."

The disinterestedness of Mr. Clay's motives, in his course toward the South American Republics, was forcibly displayed in his frank and open appeal to Bolivar. Had his object been to acquire influence and popularity among the people of those countries, he would hardly have addressed such plain reproaches and unpalatable truths to a Chief who was all powerful with them at the time. But in a cause where the freedom of any portion of mankind was implicated, Mr. Clay was never known to hesitate, to reckon his own interests, or to weigh the consequences to himself from an avowal of his own opinions. On all subjects, indeed, he is far above disguise; and though he may sometimes incur the charge of indiscretion by his uncalculating candor and fearless transparency of sentiment, the trait is one which claims for him our affection and confidence. Independent in his opinions as in his actions, no suggestion of self-interest could ever interpose an obstacle to the bold and magnanimous utterance of the former, or to the conscientious discharge of the latter.

CHAPTER VI.

Internal Improvement—(Mr. Monroe's Constitutional Objections—Mr. Clay replies to them—Congress adopts his Principles—The Cumberland Road—Anecdote—Monument—Discussion of General Jackson's conduct in the Seminole Campaign—Mr. Clay's Opinions of that Chief in 1819—A Prophecy Glimpse—Mr. Adams and General Jackson—The Father of the American System—Bill to regulate Duties, &c.—Mr. Clay's Speech in behalf of the Protective Policy—His Great Speech of 1824—Passage of the Tariff Bill—Results of his Policy—Voice of the Country—His unremitted Exertions—Randolph's Sarcasms—Anecdote.

WE have seen that from an early period Mr. Clay was an advocate of the doctrine of Internal Improvement. His Speech in Congress in 1806 had been in vindication of the policy authorizing the erection of a bridge across the Potomac River. In the passages we have quoted from his Speech of January, 1816, he declared himself in favor not only of a system of International Improvement, but of Protection to our Manufactures.

It will be remembered that the bill appropriating for purposes of Internal Improvement the bonus which was to be paid by the Bank of the United States to the General Government, after having been passed by Congress, had been returned by President Madison without his signature, in consequence of Constitutional objections to the bill. Mr. Clay had been much surprised at this act; for Mr. Madison, in one of his Messages, had said:—"I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of Roads and Canals, such as will have the effect of drawing more closely together every part of our Country, by promoting intercourse and improvements, and

'by increasing the share of every part in the common stock of national prosperity.'

Mr. Monroe, in anticipation of the action of Congress, had expressed an opinion in his Message opposed to the right of Congress to establish a system of International Improvement. Mr. Jefferson's authority was also cited to show that, under the Constitution, Roads and Canals could not be constructed by the General Government without the consent of the State or States through which they were to pass. Thus three successive Presidents had opposed the proposition.

Against this weight of precedent, Mr. Clay undertook to persuade Congress of their power under the Constitution to appropriate money for the construction of Military Roads, Post Roads and Canals. A Resolution, embodying a clause to this effect, came before the House in March, 1818; and he lent to it his unremitting advocacy.

In regard to the Constitutionality of the proposed measure, he contended that the power to *construct* Post Roads is expressly granted in the power to *ESTABLISH Post Roads*. With respect to Military Roads, the concession that they might be made when called for by the emergency, was admitting that the Constitution conveyed the power. "And 'we may safely appeal,'" said Mr. Clay, "to the 'judgment of the candid and enlightened to decide 'between the wisdom of those two constructions, 'of which one requires you to wait for the exercise 'of your power until the arrival of an emergency 'which may not allow you to exert it; and the 'other, without denying you the power, if you can 'exercise it during the emergency, claims the right 'of providing beforehand against the emergency.'

Mr. Clay's motion, recognizing in Congress the Constitutional power to make appropriations for Internal Improvements, was finally carried by a vote of 90 to 75. The victory was a most signal one, obtained, as it was, over the transmitted prejudices of two previous Administrations, and the active opposition of the one in power.

From that period to his final retirement from the Senate he was the ever-vigilant and persevering advocate of Internal Improvements. He was the father of the System, and has ever been its most efficient upholder. On the 16th of January, 1824, he addressed the House upon a bill authorizing the President to effect certain surveys and estimates of Roads and Canals.

The opponents of the system, including President Monroe, had claimed that, in respect to post-roads, the General Government had no other authority than to use such as had been previously established by the States. They asserted that to repair such roads was not within the Constitutional power of Government. Mr. Monroe gave his direct sanction to this doctrine, maintaining that the States were at full liberty to alter, and of course to shut up, post-roads at pleasure.

"Is it possible," asked Mr. Clay, "that this construction of the Constitution can be correct—a construction which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation by a County Court in any one of the twenty-four Sovereignities?"

To Mr. Clay's strenuous and persevering exertions

for the continuance of the great Cumberland Road across the Alleghanies, the records of Congress will bear ample and constantly recurring testimony. He himself has said:—"We have had to beg, entreat, 'supplicate you, session after session, to grant the 'necessary appropriations to complete the Road. I 'have myself toiled until my powers have been exhausted and prostrated, to prevail on you to make 'the grant." His courageous efforts were at length rewarded; and to him we are indebted for the most magnificent road in the United States.

At a dinner given to him a few years since by the mechanics of Wheeling, Mr. Clay spoke warmly, and with something like a parental feeling, of this Road—expressing a wish that it might be retained, improved and extended by the Nation. He illustrated its importance by observing that, before it was made, he and his family had expended a whole day of toilsome and fatiguing travel to pass the distance of about nine miles, from Uniontown to Freeman's, on the summit of Laurel Hill; adding that eighty miles over that and other mountains were now made in one day by the public stage. He said that the Road was the only comfortable pass across the mountains, and that he would not consent to give it up to the keeping of the States through which it happened to run. The People of nine States might thus be interfered with in their communication with the rest of the Union.

The country has not been wholly unmindful of Mr. Clay's pre-eminent services in behalf of this beneficent measure. On the Cumberland Road stands a Monument of stone, surmounted by the Genius of Liberty, and bearing as an inscription the name of "HENRY CLAY."

During the second session of the Fifteenth Congress, in January, 1819, the subject of Gen. Andrew Jackson's conduct in his celebrated Florida campaign came up for discussion. That Chieftain, after subjecting the vanquished Indians to conditions the most cruel and impracticable, had hung two prisoners of war, Arbuthnot and Ambrister, and concluded his series of outrages by lawlessly seizing the Spanish posts of St. Marks and Pensacola.

Committees of the Senate and of the House made reports reprobatory of his conduct; and resolutions were presented, containing four propositions. The first asserted the disapprobation of the House of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second contemplated the passage of a law to prevent the execution hereafter of any captive taken by the Army, without the approbation of the President. The third proposition was expressive of the disapproval of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the Constitution. The fourth proposition was that a law should pass to prohibit the march of the Army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it were in fresh pursuit of a defeated enemy.

We will not attempt an abstract of Mr. Clay's eloquent and argumentative Speech* in support of these propositions. Far less disposed are we to re-

* See the "Life and Speeches of Henry Clay. Two vols. 8vo. With Engravings. New-York: Greeley & McElrath, Tribune Buildings." These two capacious volumes are afforded at One Dollar—a miracle of cheapness.

peat the discreditable history of the wrongs and usurpations perpetrated by Gen. Jackson. It may be proper to state, however, that Mr. Clay, grateful for the public services of the General, treated him with a forbearance and kindness which rendered the sincerity of his animadversions the more obvious.—“With respect to the purity of his intentions,” said Mr. Clay, “I am disposed to allow it in the most extensive degree. Of his *acts* it is my duty to speak with the freedom which belongs to my station.”

The Speaker then proceeded to expose, in a most forcible point of view, the dangerous and arbitrary character of those acts, and the Constitutional violations of which Gen. Jackson had been guilty.—There are many passages in this speech which, when we regard them in connection with the subsequent Presidential usurpations of the same Military Chieftain, seem truly like prophetic glimpses. Take, for example, the concluding paragraph:

“Gentlemen may bear down all opposition; they may even vote the General the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment *it will be a triumph of the principle of insubordination—a triumph of the Military over the Civil authority—a triumph over the powers of this House—a triumph over the Constitution of the land.* And I pray most devoutly to Heaven that it may not prove, in its ultimate effects, a triumph over the liberties of the People.”

Even at that distant day, Mr. Clay saw in the conduct of General Jackson the indications of that imperious will—of that spirit of insubordination—which, dangerous as they were in a Military Commander, were not less pernicious and alarming in a Civil Chief Magistrate. With his keen, instinctive faculty of penetration, he discovered the despotic and impulsive character of the man. Every page of his speech on the Seminole campaign furnishes evidence of this fact.

How, then, when the question was presented to him of deciding between the qualifications of John Quincy Adams and Andrew Jackson for the Presidency of the United States—how could Henry Clay, as a consistent and honorable man, hesitate for a moment in his choice? And yet an amount of obloquy and vituperation, such as never before was heaped upon a public servant, has been lavished on him because of his refusing to vote for General Jackson on that occasion! Had he done so, he would have been false to his past professions and convictions—false to conscience, to patriotism, and the plainest dictates of duty.

The resolutions of censure, being strenuously opposed by Mr. Monroe and his cabinet, were lost in the House by a small majority. The dispassionate judgment of posterity will inevitably accord with the views so eloquently expressed by Mr. Clay in regard to General Jackson's conduct in Florida.

We come now to one of the most important epochs in Mr. Clay's public history. In the opinion of a large portion of the people of the United States, it is to his long-continued, arduous and triumphant efforts in the cause of Protection to American Industry and skill, that he will be indebted for his highest and most enduring fame. We have seen that as far back as 1810, he laid the foundation-stone of that great and beneficent American System, of which he was the originator and the architect.

To specify and describe all his labors in the establishment and advancement of his noble policy, from that time to the period of his retirement from the Senate, would alone fill more space than we can give to his whole life. The journals of Congress and the political newspapers of the country for the last thirty years will be found to be occupied to no inconsiderable extent with the record of his efforts and arguments and untiring appeals. We can present but a very imperfect outline of his glorious though peaceful achievements in the cause of human industry, labor and prosperity.

On the twelfth of March, 1816, Mr. Lowndes, of South Carolina, from the Committee of Ways and Means, introduced before the House a bill “to Regulate the Duties on Imports and Tonnage, &c.” The bill was avowedly favorable to a Tariff of Protection; and, strange as the record may seem, one of its most ardent supporters was John C. Calhoun. The whole question was debated with reference to the protective policy. It was thoroughly discussed in Committee of the Whole; and, through the exertions of Mr. Clay, a higher duty was adopted for the important article of woolens. The amendment, however, was unfortunately lost in the House; but the bill, such as it was, was passed.

In the spring of 1820, the subject of a Tariff again came before Congress; and Mr. Clay made a most interesting and impressive speech in favor of Protective Duties. “I frankly own,” said he on this occasion, “that I feel great solicitude for the success of this bill. The entire independence of my country on all foreign States, as it respects a supply of our essential wants, has ever been with me a favorite object. The War of our Revolution effected our political emancipation. The Last War contributed greatly towards accomplishing our commercial freedom. *But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted.* We have indeed great difficulties to contend with; old habits—colonial usages—the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair. The cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it finally must prevail.” And it *was* postponed; it *was* frustrated for the moment; but it finally *did* prevail.

The Tariff was remodelled by the House, but their bill was rejected by the Senate.

In 1823, the health of Mr. Clay was very poor—so much so, that his life was despaired of both by his friends and himself. He had attended the Olympian Springs in Kentucky, in the summer, had been placed under a strict regimen and subjected to a long course of medicine. In spite of all remedies he felt a gradual decline, and looked forward to a speedy dissolution. In November he was to start for Washington, and fully anticipated that, after reaching that city, if he reached it at all, he should be obliged to hasten to the South as a last resort. He procured a small travelling carriage and a saddle-horse—threw aside all the prescriptions of the physician, and commenced his journey. Daily he walked on foot, drove in his carriage and rode on horseback. He arrived at Washington quite well, was elected Speaker, and went through more labor than he ever

performed in the same Session, excepting, perhaps, the Extra Session of 1841.

The condition of the country in 1824 was far from prosperous. The amount of our exports had diminished to an alarming degree, while our imports of foreign goods had greatly increased. The country was thus drained of its Currency; and its Commerce was crippled. Nor was there any home-market for the staple productions of our soil. Both cotton-planters and wool-growers shared in the general prostration; and even the Farmer had to sell his produce at a loss, or keep it on hand till it was ruined. Labor could with difficulty find employment; and its wages were hardly sufficient to supply the bare necessities of life. Money could only be procured at enormous sacrifices. Distress and Bankruptcy pervaded every class of the community.

In January, 1824, a Tariff Bill was reported by the Committee on Manufactures of the House: and in March following, Mr. Clay made his great and ever memorable Speech in the House, in support of American Industry. Many of our readers will vividly remember the deplorable state of the country at that time. It is impressively portrayed in his exordium on this occasion.

The CAUSE of the wide-spread distress, which existed, he maintained was to be found in the fact that, during almost the whole existence of this Government, we had shaped our industry, our navigation and our commerce in reference to an extraordinary market in Europe, and to foreign markets, which no longer existed; in the fact that we had depended too much upon foreign sources of supply, and excited too little the native.

On this occasion, Mr. Webster, whose views upon the subject afterwards underwent an entire change, opposed the bill with the whole powerful weight of his talents and legal profundity. Mr. Clay took up one by one the objections of the opposition, laboriously examined and confuted them. For specimens of pure and strongly-linked argument, the annals of Congress exhibit no speech superior to that of March, 1824. In amplitude and variety of facts, in force and earnestness of language, and cogency of appeal to the reason and patriotism of Congress and the people, it has been rarely equalled. It would have been surprising indeed, if, notwithstanding the strongly arrayed opposition, such a speech had failed in overcoming it. Experience has amply proved the validity and justice of its arguments. Its prophecies have been all fulfilled.

The Tariff Bill finally passed the House, the 16th of April, 1824, by a vote of 107 to 102. It soon afterwards became a law.

We will leave it to Mr. Clay himself to describe the results of his policy, eight years after it had been adopted as the policy of the country. After recalling the gloomy picture he had presented in 1824, he said: "I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state—of the unparalleled prosperity of the country. On a general survey, we behold cultivation extending, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment and happiness. And, if we descend into particulars we have the agreeable con-

templation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing, our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public Treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be relieved from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the Tariff of 1824."

Such were the consequences of the benign legislation introduced and carried into operation by Henry Clay. And though the reverse of the picture was soon presented to us, through the violent Executive measures of General Jackson, inflating and then prostrating the Currency, and the course afterward pursued, we have the satisfaction of knowing that Mr. Clay has never wavered in his course; and that, had his warnings been regarded and his counsels taken, a far different state of things would, in all probability, have existed.

The unanimous voice of the Country has accorded to Mr. Clay the merit of having been the father of the system, which has been justly called the American System. To his personal history belong the testimonials of the various State Legislatures and Conventions, and of the innumerable public meetings, in all parts of the country, which awarded him the praise, and tendered him the grateful acknowledgements of the community. To his individual exertions, the manufacturing industry of the United States is indebted to a degree which it is now difficult to realize. By the magic power of his eloquence, the country was raised from a state of prostration and distress; cities were called into existence, and the wilderness was truly made to blossom like the rose.

Mr. Clay's zealous and laborious efforts in behalf of the Tariff can only be appreciated by a reference to the Journal of the House of that period. It seems as if he had been called upon to battle for every item of the bill, inch by inch. The whole power of a large and able opposition was arrayed against him; and every weapon that argument, rhetoric and ridicule could supply was employed. John Randolph was, as on former occasions, an active and bitter antagonist. Once or twice he provoked Mr. Clay into replying to his personal taunts. "Sir," said Mr. C., on one occasion, "the gentleman from Virginia was pleased to say that, in one point at least, he coincided with me—in a humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my

'defects; but, so far as my situation in early life is 'concerned, I may, without presumption, say they 'are more my misfortune than my fault. But, how- 'ever I deplore my want of ability to furnish to the 'gentleman a better specimen of powers of verbal 'criticism, I will venture to say, my regret is not 'greater than the disappointment of this Committee 'as to the strength of his argument.'

The following is in a different vein. After the passage of the Tariff Bill, on the 16th of April, 1824, when the House had adjourned and the Speaker was stepping down from his seat, a gentleman who had voted with the majority, said to him, "we have done pretty well to-day."—"Yes," returned Mr. Clay, "we made a good stand, considering we lost both our *Feet*"—alluding to Mr. Foot of Connecticut, and Mr. Foote of New-York, who both voted against the bill, though it was thought, some time before, that they would give it their support.

CHAPTER VII.

The Missouri Question—Mr. Clay resigns the Speakership—The Union in Danger—He resumes his seat in Congress—Unparalleled Excitement—His compromise of the Question—Pacification of Parties—Character of his Efforts—Proposition of John Randolph and some of the Southern Members—Interview with Randolph—Anecdotes—Randolph and Sheffield—Mr. Clay's Retirement from Congress—Derangement of his Private Affairs—Return to the House—Again chosen Speaker—Jeu d'esprit—Mr. Clay's Address—Independence of Greece—His Speech—Labors during the Session of 1824—Reception of Lafayette in the House—Welcomed by Mr. Clay—Lafayette's Reply—Lafayette's wish to see Mr. Clay President—Anecdote—Mr. Clay and Mr. Monroe.

DURING the Session of 1820-'21, the "distracting question," as it was termed, of admitting Missouri into the Union, which had been the subject of many angry and tedious debates, was discussed in both branches of Congress. The controverted point was, whether she should be admitted as a Slave State.

Slavery had been expressly excluded from Ohio, Indiana, and Illinois, by acts of Congress, on their admission into the Union. But that restriction was, by virtue of an ordinance of the former Congress, under the Confederation, prohibiting the introduction of slavery into the Northwest Territory, out of which these States were formed. Missouri was part of the Louisiana Territory, purchased of France in 1803. And in various parts of that extensive Territory, slavery then existed, and had long been established.

Louisiana had been admitted into the Union without any restriction of the kind proposed for Missouri. The States of Kentucky, Tennessee, Mississippi and Alabama had also been admitted as separate States previous to this period; and, as they were taken from States in which Slavery existed, they had been made subject to no such restriction. It was contended that, on the same principle, Missouri should also be received, without requiring, as a condition of admission, the exclusion of Slavery. And it was also insisted that it would be interfering with the independent character of a State to enforce any such restriction, which was manifestly a subject of regulation by the State authority.

On the contrary, it was urged that in the old States the subject was expressly settled by the Constitution, and Congress could not justly interfere in those States; but that it was otherwise with new States received into the Union; in which case Congress had the right to impose such restrictions and

conditions as it might choose; that it was evidently the intention of the old Congress not to extend Slavery, having prohibited its introduction or existence in new States to be formed out of the Northwest Territory; and that Slavery was so great an evil, and so abhorrent to the principles of a free Government, that it should be abolished or prohibited wherever it could be Constitutionally effected.

The discussion went on from month to month, and from session to session, increasing in fierceness, and diverging farther and farther from the prospect of an amicable settlement. Among the prominent advocates for excluding Slavery from Missouri were Rufus King from New-York, Otis of Massachusetts, Dana of Connecticut, Sergeant and Hemphill of Pennsylvania. Of those opposed to Restriction, were Holmes of Massachusetts, Vandyke and McLane of Delaware, Pinckney of Maryland, Randolph and Barbour of Virginia, Lowndes of South Carolina, Clay and Johnson of Kentucky.

A bill for the admission of Missouri had been defeated during the Session of 1818-19; and the inflammatory subject had, during the vacation of Congress, given rise to incessant contention. The Press entered warmly into the controversy. The most violent pamphlets were published on both sides. Public meetings thundered forth their Resolutions; and the Union seemed to be fearfully shaken to its centre. It may be imagined, then, with what interest the next Session of Congress was looked to by the People.

Many eloquent Speeches were made in the House upon the question. Mr. Clay spoke, at one time, nearly four hours against the Restriction; but there remains no published sketch of his remarks. The vote in the House of Representatives was several times given for excluding Slavery; but the Senate disagreed, and would not yield to the House.

In 1820, the People of the Territory of Missouri proceeded to ordain and establish a Constitution of Government for the contemplated State. Among other provisions, it was ordained in the twenty-sixth section of the Third Article, that it should be the duty of the General Assembly, "as soon as 'might be, to pass such laws as were necessary to 'prevent free Negroes and Mulattoes from coming 'to and settling in the State, under any pretext 'whatsoever.'" Under this Constitution a State Government was organized and went into operation.

This clause, for the exclusion of free Negroes and Mulattoes, fanned into fresh life the flame of excitement, which had been partially allayed. The whole country was now thrown into commotion upon the question of admitting Missouri.

In the autumn of 1820, Mr. Clay, who had experienced heavy pecuniary losses by endorsing for a friend, resolved to retire from Congress, and, in the practice of the law, devote himself to the reparation of his private affairs. Accordingly, at the meeting of Congress, the 13th of November, 1820, the Clerk having announced that a quorum was present, said that he had received a letter from the Hon. Henry Clay, which, with the leave of the House, he read as follows:

"LEXINGTON, (Ky.) October 28, 1820.

"SIR: I will thank you to communicate to the House of Representatives, that, owing to imperious circumstances, I shall not be able to attend upon it

until after the Christmas holidays : and to respectfully ask it to allow me to resign the office of its Speaker, which I have the honor to hold, and to consider this as the act of my resignation. I beg the House also to permit me to reiterate the expression of my sincere acknowledgments and unaffected gratitude for the distinguished consideration which it has uniformly manifested for me. I have the honor to be, &c.

H. CLAY.

"THOS. DOUGHERTY, Esq., Clerk H. of R."

In view of the agitating question before Congress, Mr. Clay consented, however, to retain his seat as a member of the House till his term of service expired, although no longer its presiding officer. Early in the session the Missouri question came up. Those who now opposed its admission contended, that free citizens and mulattoes were citizens of the States of their residence; that as such, they had a right, under the Constitution, to remove to Missouri, or any other State of the Union, and there enjoy all the privileges and immunities of other citizens of the United States emigrating to the same place; and, therefore, that the clause in the Constitution of Missouri, quoted above, was repugnant to that of the United States, and she ought not to be received into the Union.

On the other hand, it was maintained that the African race, whether bond or free, were not parties to our Political Institutions; that, therefore, free Negroes and Mulattoes were not citizens, within the meaning of the Constitution of the United States; and that even if the Constitution of Missouri were repugnant to that of the United States, the latter was paramount, and would overrule the conflicting provision of the former, without the interference of Congress.

Such was the perilous and portentous question which now threatened a disruption of the Union.—In some shape or other it was presented almost daily and hourly to Congress; and became, at length, a perfect incubus upon legislation. In this state of things, Mr. Clay arrived in Washington, and took his seat in the House on the sixteenth of January, 1821. On the second of February, he submitted a motion to refer a Resolution of the Senate on the Missouri Question to a Committee of Thirteen—a number suggested by that of the original States of the Union. The motion was agreed to, and the following gentlemen were appointed a Committee accordingly:

Messrs. Clay of Ky., Eustis of Mass., Smith of Md., Sergeant of Pa., Lowndes of S. C., Ford of N. Y., Campbell of Ohio, Archer of Va., Hackley of N. Y., S. Moore of Pa., Cobb of Ga., Tomlinson of Ct., Butler of N. H.

On the tenth of the same month, Mr. Clay made a report, concluding with an amendment to the Senate's resolution, by which amendment Missouri was admitted upon the following fundamental condition:

"It is provided that the said State shall never pass any law preventing any description of persons from coming to and settling in the said State, who now are or hereafter may become citizens of any of the States of this Union; and provided also, that the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said Act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part

of Congress, the admission of the said State into the Union shall be considered as complete; And provided, further, that nothing herein contained shall be construed to take from the State of Missouri, when admitted into the Union, the exercise of any right or power which can now be constitutionally exercised by any of the original States."

In defence of his report, Mr. Clay said that, although those favorable to the admission of Missouri could not succeed entirely in their particular views, yet he was of opinion that they had, as regarded the Report of the Committee, nothing to complain of.—At the same time, the Report was calculated to obviate the objections of those who had opposed the admission of Missouri on the ground of the objection to her Constitution which had been avowed. Thus consulting the opinions of both sides of the House, in that spirit of compromise which is occasionally necessary to the existence of all societies, he hoped it would receive the countenance of the House; and he earnestly invoked the spirit of harmony and kindred feeling to preside over the deliberations of the House on the subject.

The question being taken in Committee of the Whole on the amendment proposed by Mr. Clay, it was decided *in the negative* by a vote of 73 to 64.—This decision was afterward overruled in the House. On the question, however, of the third reading of the Resolution, it was rejected, by a vote of 83 to 80, in consequence of the defection of Mr. Randolph of Virginia, who dreaded the increase of popularity which would accrue to Mr. Clay by the success of his proposition. A reconsideration was moved and carried the next day, and the question of the third reading was again brought before the House. Another protracted and bitter debate followed, and was concluded by a speech of an hour's duration from Mr. Clay, who is represented by the cotemporary journals as having "reasoned, remonstrated and entreated that the House would settle the question."

On the fourteenth of February, the two Houses of Congress met in the hall of the House of Representatives, to perform the ceremony of counting the votes for President and Vice President of the United States. A scene of great confusion occurred when the votes of the Electors for Missouri were announced by the President of the Senate, and handed to the Tellers. The Members of the Senate withdrew, and a violent discussion sprang up. By the exertions of Mr. Clay, order was at length restored, and, on his motion, a Message was sent to the Senate that the House was ready to proceed to the completion of the business of counting the votes.

The Senate again came in. The votes of Missouri were read, and the result of all the votes having been read, it was announced by the President of the Senate, that the total number of votes for James Monroe as President of the United States, was 231, and, if the votes of Missouri were not counted was 228; that, in either event, James Monroe had a majority of the whole number of votes given. James Monroe was accordingly re-elected President for four years, commencing on the ensuing fourth of March.

While the proclamation was being made, two Members of the House claimed the floor to inquire whether the votes of Missouri were or were not counted. Another scene of confusion hereupon ensued, and the House were finally obliged to adjourn in order to put an end to it.

The rejection of Mr. Clay's report seemed to shut out all prospect of an amicable compromise. He was not disheartened, however. He never despaired of the Republic. On the twenty-second of February, he submitted the following resolution:

"Resolved, That a Committee be appointed, on the part of this House, jointly with such Committee as may be appointed on the part of the Senate, to consider and report to the Senate and to the House, respectively whether it be expedient or not to make provision for the admission of Missouri into the Union on the same footing as the original States, and for the due execution of the laws of the United States within Missouri; and if not, whether any other, and what provision, adapted to her actual condition, ought to be made by law."

This resolution was adopted in the House by a vote of 103 to 55. The Senate acceded to it by a large majority.

The Joint Committees of the two Houses met on the twenty-fifth of February, 1821; and a plan of accommodation, proposed by Mr. Clay, was adopted, unanimously on the part of the Committee of the Senate, and nearly so by that of the House. The next day he reported to the House from the Committee a resolution, which was the same in effect as that which we have already quoted as having been reported by the former Committee of thirteen Members. A short discussion ensued, which was checked by a call for the Previous Question. The resolution was then adopted by a vote of eighty-seven to eighty-one. The Senate concurred, and the momentous question, which for three Sessions had agitated Congress, was, at length through the labors and influence of Henry Clay, peaceably settled.

The achievement of this vital compromise must have been one of the most gratifying triumphs of his political career. By his personal influence and abilities, he had saved the Republic. He deservedly won on this occasion the appropriate title of "the Great Pacificator;" for to his individual exertions do we owe it, that we were saved from the prospect of a dissolution of the Union. His efforts in and out of Congress were unceasing in accomplishing his object. He made direct personal appeals to those whom he could not influence in public debate, and left no means untried for bringing Congress to that harmonious state, which was essential to the safety of the country.

While the Missouri question was pending, and the excitement of the contending parties was running to a great and alarming height, Mr. Randolph, and perhaps some other gentlemen of the South, conceived the project of the whole Delegation from the Slaveholding States, in a body, abandoning the House, and leaving its business to be carried on, if at all, by the Representatives from the other States. At that time, one of those conditions of non-intercourse, which we have described existed between him and Mr. Clay; but notwithstanding that, one night when the House was in session by candle-light, Mr. Clay being out of the Chair, Mr. Randolph approached him in the most courteous manner and said; "Mr. Speaker, I wish you would leave the Chair. I will follow you to Kentucky or any where else in the world."

Mr. Clay replied: "That is a very serious proposition, Mr. Randolph; we have not time now to discuss it; but if you will come into the Speaker's

room to-morrow morning, before the House assembles, we will consider it together."

He accordingly attended there with punctuality. They remained in earnest conversation about an hour, Mr. Clay contending that it was wisest to compromise the question, if it could be done without any sacrifice of principle, and Mr. Randolph insisting that the Slave States had the right on their side that matters must come to an extremity; and that there could be no more suitable occasion to bring them to that issue. They maintained their respective opinions firmly but amicably, without coming to any agreement.

When they were about separating, Mr. Clay observed to Mr. Randolph, that he would take that opportunity of saying to him, that he (Mr. Randolph) had used exceptionable language sometimes when the Speaker was in the Chair and had no opportunity of replying; and that he was often provoked thereat. "Well, Mr. Speaker," said Randolph, "I think you sometimes neglect me; you won't listen to me when I am addressing the chair, but turn your head away, and ask for a pinch of snuff."

Mr. Clay rejoined: "You are mistaken. I am listening when I may not seem to be; and I can repeat as much of any one of your late speeches as you yourself can, good as I know your memory to be."

"Well," replied Mr. Randolph, "perhaps I am mistaken; and suppose we shake hands and be good good friends hereafter."

"Agreed!" said Mr. Clay.

They shook hands accordingly; and never spoke with each other during the residue of the Session. It was about the period of Commodore Decatur's death. That event greatly excited Mr. Randolph; and Mr. Clay was informed by two different gentlemen (the late Governor Edwards and Gen. C. F. Mercer) about the same time, without concert, and shortly after the interview described above, that they knew that Mr. Randolph desired a duel, and with him (Mr. Clay). He thanked them for the communication; which was made from friendly motives. It naturally put him upon his guard, and on first meeting Mr. R., thinking that he saw something unfriendly in his deportment, they passed each other without speaking.

Shortly before the interview above-mentioned, Mr. Randolph came to Mr. Clay with an insulting letter containing a threat to horsewhip him (Mr. R.) and asked what he should do with it—should he communicate it to the House as a breach of privilege? "How came the writer to address such a letter to you?" asked Mr. Clay. "Why, sir," said he. "I was in the vestibule of the House the other day, and he brought up a man and introduced him to me. I asked him, what right he had to introduce that man to me, and told him that the man had just as much right to introduce him to me. And he said he thought it was an act of great impertinence. It was for that cause he has written me this threatening letter." Mr. Clay asked him if he thought the man's mind was perfectly sound. "Why," replied Randolph, "I have some doubts about that." "If that be the case," said Mr. Clay, "would you not better avoid troubling the House about the affair? And I will give orders to the officers of the House to keep an eye on the man, and if he should attempt to do

anything improper to arrest him." Mr. Randolph said, it was perhaps the best course; and nothing more was heard of the matter.

On one occasion during the agitation of this same Missouri question, Mr. Randolph told Mr. Clay, that he had resolved, by the advice of Chief Justice Marshall, to abstain from the use of those powerful instruments of irony, sarcasm and invective, which he used with such cutting effect, and to confine himself to the employment of pure argument, whenever he spoke. He attempted it. He failed. His speech possessed no attraction—commanded no attention. He was mortified, and resumed his ancient style; and listening and admiring audiences returned to him.

When the House sat in what has been called the old Capitol (the brick building at the North-East corner of the Capitol-square,) Mr. Randolph one day came in collision with an able colleague from Virginia, Mr. Sheffey, in argument, in the course of which Mr. Sheffey had indulged in some playful remark. Mr. R. replied, and concluded by offering him some advice, which he said, he hoped would be kindly received: and that was, that logic being his (Mr. Sheffey's) forte, he ought to confine himself to it, and never attempt wit, for which he possessed no talent. Mr. Sheffey rejoined, answered the argument of Mr. Randolph, thanked him for his advice, but said he did not like to be in debt, and by way of acquitting himself of it, he begged leave to offer some advice in return. Nature, he said, had been bountiful to Mr. R. in bestowing on him extraordinary wit, but had denied him any powers of argument. Mr. S. would advise him, therefore, to confine himself to the regions of wit, and never attempt to soar in those of logic. Mr. R. immediately followed and handsomely remarked, that he took back what he had said of his colleague; for he had shown himself to be a man of wit as well as of logic.

It was a pleasant and enlivening incident, and the whole House and both parties appeared to enjoy the joke. But Mr. Randolph returned to the House the next day, and renewed the attack with great bitterness. The parties had various and long passes at each other. Mr. R. was repeatedly called to order by Mr. Clay, and finally stopped. It was on that occasion, that Mr. Sheffey being called to order, Mr. Clay said that he would be out of order in replying, as he was, to any other Member but Mr. Randolph.

During the interval of his retirement from Congress in 1822, Mr. Clay was delegated, in conjunction with Mr. Bibb, to attend the Virginia Legislature, for the adjustment of certain land claims in Kentucky. Their mission led to the appointment of the Hon. B. W. Leigh on the part of Virginia; and Mr. Clay was subsequently appointed to conduct the negotiation with him on the part of Kentucky. They concluded at Ashland a convention, which, though it was ratified by the Legislature of Kentucky and the House of Delegates of Virginia, was finally rejected in the Senate of the latter State.

By an absence of nearly three years from Congress, Mr. Clay was enabled through his professional labors, to retrieve his private affairs; and in the summer of 1823, at the earnest and repeated solicitations of his fellow-citizens, he accepted a re-nomination, and was again chosen, without opposition, to represent his District in the lower House at Washington.

The first Session of the Eighteenth Congress opened the first Monday in December, 1823. At the first ballot for Speaker in the House of Representatives, Mr. Clay was elected. Mr. Barbour of Virginia, the late Speaker, had forty-two votes—Mr. Clay had one hundred and thirty nine. The following neat *jeu d'esprit* appeared in the National Intelligencer shortly after the election:

"As near the Potomac's broad stream, 't' other day,
Fair LIBERTY strolled in solitary mood,
Deep pondering the future—unheeding her way—
She met goddess NATURE beside a green wood.
Good mother," she cried, "deign to help me at need!
I must make for my guardians a Speaker to-day;
The first in the world I would give them."—Induced!
When I made the first Speaker, I made him of CLAY!"

On taking the Speaker's chair, Mr. Clay made a brief and appropriate address, in which he returned his acknowledgments for the honor conferred. The duties of a Speaker are happily enumerated in his remarks on this occasion.

On the fifth of December, Mr. Webster, of Massachusetts, submitted a resolution providing by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President should deem it expedient to make such appointment. He supported this proposition in a most able speech on the nineteenth of the ensuing January. Mr. Clay stood side by side with him in defence of the measure. Notwithstanding the advocacy of these gigantic champions, however, it failed in the House.

Mr. Clay's speech on the subject, though brief, was full of fire and point. "Are we," he exclaimed, "so bumbled, so low, so debased, that we dare not express our sympathy for suffering Greece, that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties?"

"If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world, there are hearts not yet closed against compassion for human woes—that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection and every modern tie. Sir, the committee has been attempted to be alarmed by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and eradicate our humanity. Ah! sir, 'what shall it profit a man if he gain the whole world and lose his own soul?' or what shall it avail a nation to save the whole of a miserable trade and lose its liberties?"

Although Mr. Clay failed at the moment in procuring the recognition of Greece, he afterwards when Secretary of State accomplished his object. The United States was the first Independent Power, by whom she was recognized.

Mr. Clay's labors during the Session of 1824, would alone have been sufficient to make his name memorable, to the latest posterity, in the annals of the country. The Session is signalized by the passage of the Tariff bill and of his measure in behalf of South American Independence. In reference to the former, it should not be forgotten, that it was through his vigilant and persevering efforts, that the

SUGAR DUTY was saved. By an examination of the proceedings of Congress, it will be seen that the fate of this important duty hung upon his individual exertions, and that to them its final preservation was due. It was not to the protection of the industry of any one section of the country that he looked merely. The South and the North have been always regarded by him with an equally liberal affection.

On the fifteenth of August, 1824, General La Fayette, the Nation's Guest, arrived at New-York in the *Cadmus*, from Havre, accompanied by his son, George Washington La Fayette. The following tenth of December he was introduced to the National House of Representatives by a Select Committee appointed for the purpose. Mr. Clay, as Speaker, received him with an address, so pertinent and elegant in its character, that we cannot resist the temptation of quoting it entire :

"GENERAL: The House of Representatives of the United States, impelled alike by its own feelings and by those of the whole American people, could not have assigned to me a more gratifying duty than that of presenting to you our cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satisfaction which your presence affords us on this early theatre of your glory and renown. Although but few of the members who compose this body shared with you in the War of our Revolution, all have, from impartial history, or from faithful tradition, a knowledge of the perils, the sufferings, and the sacrifices which you voluntarily encountered, and the signal services, in America and in Europe, which you performed for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not constitute the only motive of the respect and admiration which the House of Representatives entertain for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also command its admiration. During all the recent convulsions of Europe, amidst, as after the dispersion of, every political storm, the people of the United States have beheld you, true to your old principles, firm and erect, cheering and animating, with your well-known voice, the votaries of liberty, its faithful and fearless champion, ready to shed the last drop of that blood which here you so freely and nobly spilt in the same holy cause.

"The vain wish has been sometimes indulged, that Providence would allow the patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place—to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is a realization of the consoling object of that wish. You are in the midst of posterity. Every where, you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you find us unaltered, and that is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to you, and to your illustrious associates in the field and in the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now ex-

ercise. This sentiment, now fondly cherished by more than ten millions of people will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity."

Lafayette was deeply affected by this address, uttered, as it was, in the Speaker's clear, musical and genial tones; and the hero of two hemispheres replied to it in a manner, that betokened much emotion. He maintained to the last a strong attachment for Mr. Clay; and when the miserable party hacks, who originated the cry of 'bargain and corruption,' at the period of John Quincy Adams's election to the Presidency, were actively circulating their base and baseless charges against Mr. Clay, the voice of Lafayette was heard, high above the clamor, in vindication of the unsullied integrity and honor of his friend.

An anecdote, illustrative of the high opinion entertained of him by Lafayette, appeared recently in the Commonwealth newspaper, published at Frankfort, (Ky.) An officer of the United States Navy, being in Paris in 1832, was entertained by Lafayette at his country-seat. During the three days, which the officer passed with his venerable host at Lagrange, the affairs of the United States and the characters of our distinguished public men formed prominent topics of discussion. The name of HENRY CLAY could not, of course, be omitted in such a conversation; and the General was delighted to find that his guest was not only a political admirer, but a personal friend and acquaintance of the great American Statesman. On the morning of his departure from Lagrange, the naval officer was introduced by George Washington Lafayette, son of the General, into the study of his father, where, by the light of candles, he was employing his pen. Pressing his guest in vain to remain longer, the General said: "Before you leave me, I want to show you our 'friend,' and leading the way to another room, he exhibited a portrait of Mr. Clay. "Sir," said Lafayette, "THAT IS THE MAN WHOM I HOPE 'TO SEE PRESIDENT OF THE UNITED STATES.'" The incident produced a lasting impression on the mind of the officer. "The bosom-companion of Washington, his comrade in arms in 'the glorious Revolution, feeling the deepest interest 'in the welfare of the United States, and well acquainted with their policy, their institutions and 'their great men, Lafayette, with the wisdom of the 'Father of his Country, pointed out the man fit and 'worthy to stand at the head of our Government. 'But his sainted spirit will look down in '45 and rejoice in the consummation of his hopes, which Heaven, impatient to claim one of its first-born, denied 'him while in the flesh.'"

We have seen that Mr. Clay was at variance with President Monroe upon the subject of Internal Improvements, as well as in regard to the mode of recognizing the independence of the South American patriots. Notwithstanding these differences of opinion, the personal relations of the speaker and the chief magistrate were friendly. Mr. Clay was offered a seat in the cabinet, and a *carte blanche* of all the foreign missions. Had place been his ambition and his object, he might have attained it without any sacrifice of independence—without any loss of position as the acknowledged head of the great republican party. He saw, however, that he could be

more useful to his country in Congress. Measures of vital importance were to be carried. The Tariff was to be adjusted—the Missouri business to be settled—the constitutionality of Internal Improvements was to be admitted—South American independence was to be acknowledged—how could he conscientiously quit a post, where he wielded an influence more potent than the President's, while such momentous questions remained open? These being disposed of, he would be at liberty to pursue any course which his inclinations might indicate, or which the public interests might sanction.

CHAPTER VIII.

The Presidential Question—Nomination of Mr. Clay—His qualifications set forth—General Harrison in favor of Henry Clay—Slanders in the House—Kremer's Letter—Monstrous nature of the charges against Mr. C.—His course in regard to them—Appointment of a Committee of Examination—Complete Refutation of the Calumny—Mr. Clay's Address to his Constituents—Election of John Quincy Adams by the House—Exasperation of Gen. Jackson's Friends—Mr. Clay's independence of spirit—Motives of his preference—Gen. Lafayette substantiates his Assertions—Mr. Clay appointed Secretary of State—Views of this act—Slander temporary, Justice inevitable—His character as Speaker—Anecdotes, &c.

As Mr. Monroe's second Presidential term drew to a close, the question of the next Presidency began to be busily agitated. Four prominent candidates were presented by their friends for the suffrages of the People: being John Quincy Adams of Massachusetts, Andrew Jackson of Tennessee, Henry Clay of Kentucky, and William H. Crawford of Georgia.

In November, 1822, Mr. Clay had been nominated as a suitable successor to James Monroe, at a meeting of the Members of the Legislature of Kentucky. The nomination soon after met with a response from similar meetings in Louisiana, Missouri and Ohio; and, as the period of the election approached, he was hailed by large bodies of his fellow citizens in all parts of the country as their favorite candidate.

The campaign of 1824 was one of the most warmly contested in our annals. Some of the more unscrupulous of the friends of the various candidates resorted to manœuvres unworthy of their cause to advance their ends. Just as the election was commencing, a report was industriously circulated in different quarters of the country that Mr. Clay had withdrawn from the Presidential contest. In consequence of this report, General William H. Harrison, and other of Mr. Clay's friends in Ohio, published a declaration, in which it was asserted that he (Mr. Clay) "would not be withdrawn from the contest 'but by the fiat of his Maker.'" Our late lamented Chief Magistrate was at that time, and ever after, his devoted political, as well as personal friend; and he has often been heard to declare his preference for him over all other candidates.

Early in the campaign it was discovered that there would be no election of President by the People. By the Constitution, the House of Representatives would, therefore, be called upon to choose from the three highest candidates. In December, 1824, soon after the meeting of Congress, it was known that the three highest candidates were Jackson, Adams and Crawford, and that Mr. Clay and his friends would have it in their power, when the question came before the House, of turning the balance in favor of any one of the three.

Mr. Clay's position was now an extremely important one. Several weeks were to intervene before the election; and, in the mean time, the partisans of the three candidates looked with intense anxiety to the Speaker's course. His preferences were distinctly known to his personal friends, for he had expressed them in his letters and his conversations; but it would have been indelicate and superfluous for him to have electioneered in behalf of any one of the rival candidates—to have given occasion for intrigues and coalitions by deciding the question in advance.

While all parties were in this state of suspense, a gross and unprincipled attempt was made to browbeat Mr. Clay, and drive him from what was rightly supposed to be his position of preference for Mr. Adams. A letter, the authorship of which was afterward avowed by George Kremer, a member of the House from Pennsylvania, appeared in a Philadelphia newspaper called the 'Columbian Observer,' charging Mr. Clay and his friends with the most flagitious intentions—in short, with the design of selling their vote to the highest bidder.

Monstrous as were these intinuations, they were calculated to carry some weight with the ignorant and unreflecting. By such persons, it would not be taken into consideration that Mr. Clay had already declined offices of the highest grade under Madison and Monroe—that, if either Jackson or Crawford had been elected through his agency, the first office in the gift of either would indubitably have been offered to him—that, in accepting office under Mr. Adams, it was universally understood at Washington he was conferring rather than receiving a favor—that he might not inaptly have been accused of acting an ungenerous part, if, after bringing the Adams Administration into power, he had refused it the countenance so essential to its success—that he would have neglected the solicitations of all who acted with him from the West had he refused the Secretaryship—and, in short, that in order to justify his vote it was incumbent on him to submit to the united voice of the friends of the new Administration, and bring to it as much of his Western strength as he could lend.

The 'Columbian Observer,' in which the precious epistle we have alluded to appeared, was a print sustained by Mr. Eaton, the friend, biographer, and colleague in the Senate of General Jackson. The position of the writer of the letter, as a member of Congress, gave it a consequence which, utterly contemptible as it is, it would not otherwise, in any degree, have possessed. Mr. Clay deemed it incumbent upon him to notice it; and he published a Card in the National Intelligencer, pronouncing the author of the letter, whoever he might be, "a base and infamous calumniator." This was answered by a Card from Mr. George Kremer, in which the writer said he held himself ready to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements in the letter, so far as Mr. Clay was concerned.

The calumny having been thus fathered, Mr. Clay rose in his place in the House, and demanded an investigation into the affair.

A Committee was accordingly appointed by ballot on the 5th of February, 1835. It was composed of some of the leading members of the House, not

one of whom was Mr. Clay's political friend. Although Mr. Kremer had declared to the House and to the public his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to resort finally to a miserable subterfuge. The Committee reported that Mr. Kremer declined appearing before them, alleging that he could not do so without appearing either as an accuser or a witness, both of which he protested against!"

And yet this same Mr. Kremer, a day or two before, when the subject of appointing an Investigating Committee came up, had risen in his seat in the House and said:—"If, upon an investigation being instituted, it should appear that he had not sufficient reasons to justify the statements he had made, he trusted he should receive the marked reprobation which had been suggested by the Speaker. Let it fall where it might, Mr. K. said, *he was willing to meet the inquiry, and abide the result.*"

But it is not on Mr. Kremer alone that our indignation should be expended for this miserable attempt to bolster up a profligate calumny just long enough for it to operate on the approaching Election. He was merely a tool in the hands of deeper knaves. A thick-headed, illiterate, foolish, good-natured man, he was ready, in his blind attachment to Gen. Jackson, to do any servile deed that might propitiate his idol. He seems to have inwardly repented of the act as soon as it had been committed. He frequently declared his determination to offer an explanation and apology to Mr. Clay; and had gone so far as to draw up a paper for this purpose, which was submitted to the latter. But Mr. Clay replied that the affair had passed from his control into that of the House;—and the rogues, who had taken Mr. Kremer into their keeping, were careful not to allow him to repeat his offer of an apology subsequently when the House chose to let the matter drop.

In 1827-8, Mr. Clay, in an Address to his constituents, gave a full and interesting history of this affair, together with the sequel, at which we shall glance in our next Chapter, and in which General Jackson figured conspicuously.

On the 9th of February, 1825, in the presence of both Houses of Congress, Mr. Tazewell, from the Committee of Tellers, reported the votes of the different States for President and Vice President of the United States. The aggregate was as follows: John Quincy Adams had eighty-four votes; William H. Crawford, forty-one; Andrew Jackson, ninety-nine; and Henry Clay, thirty-seven,*—the

* The vote for Mr. Clay in the primary Colleges stood:—Ohio, 16; Kentucky, 14; New-York, 4; Missouri, 2. By some party chicanery or coalition intrigue, he was defrauded out of Electoral Votes in New-York and Louisiana which would have been more than sufficient to have rendered him one of the three candidates returned to the House. It is, perhaps, unnecessary to revive the recollection of those frauds upon the People, by which their favorite champion was excluded from a position, from which he would unquestionably have been elevated to the Presidency. It will be seen that Missouri gave her entire Vote to Mr. Clay in 1824, at which time THOMAS H. BENTON took the lead in his support, as the candidate most favorable to Internal Improvements and the Protection of American Industry. The Party calling themselves Bucktails, in New-York, were divided between Crawford and Clay, the former having the majority. The Opposition Party (Unionists) were divided between Adams and Clay; although by far the larger portion preferred Adams. But on a division Clay had more strength than either of the others and, on a fair expression of opinion, would have commanded one-half the Electors.

The Crawford portion of the Bucktail Party was headed by Mr. Van Buren, the portion which favored Mr. Clay was led

latter having been deprived, by party intrigue and chicanery, of the votes of New-York and Louisiana—which would have carried him into the House, where he would undoubtedly have been elected President, over all other candidates.

The President of the Senate rose, and declared that no person had received a majority of the votes given for President of the United States;—that Andrew Jackson, John Q. Adams and William H. Crawford were the three persons who had received the highest number of votes, and that the remaining duties in the choice of a President now devolved on the House of Representatives. He farther declared, that John C. Calhoun, of South Carolina, having received one hundred and eighty-two votes, was duly elected Vice President of the United States, to serve for four years from the ensuing fourth day of March. The members of the Senate then retired.

The Constitution provides, that "from the persons having the highest numbers, not exceeding three, on the list voted for as President, the House of Representatives shall choose immediately, by ballot, a President."

The friends of General Jackson now, as a matter of course, eagerly advanced the doctrine that a plurality of votes for any one candidate should be considered as decisive of the will of the People, and should influence the members of the House in their votes. As if a mere plurality, forsooth, ought to swallow up a majority! A more dangerous doctrine, and one more directly opposed to the spirit of the Constitution, could not well be imagined. It cannot be called Democratic, for it does not admit the prevalence of the will of the majority in the Election. It was, in fact, a dogma engendered for the occasion by the friends of the candidate, who happened to come into the House with a plurality of votes.

Mr. Clay was not to be dragooned into the admission of any such principle. He resolved to be guided by what was plainly the letter and spirit of the Constitution, and to give his vote to that man, whom he believed to be the most competent to preside over the destinies of the Republic. By a personal visit to Mr. Crawford he had satisfied himself that that gentleman was too broken down in health to discharge with fitting energy the duties of the Chief Magistracy. His option lay, therefore, between Messrs. Adams and Jackson.

We have seen what were Mr. Clay's views of the character of General Jackson as far back as 1819, when the Seminole question was before the House. Was it possible that he should regard those traits, which, in the soldier, had led to conduct, at war with the Constitution, as qualifications in the President? General Jackson was, furthermore, under-

by Mr. Young. To heal this division and give the united strength of that Party to Mr. Crawford, the nomination of Governor was tendered to Mr. Young. He accepted the nomination and from that time he and his friends abandoned Mr. C. and gave their support to Mr. Crawford.

But for this arrangement, it is certain that Mr. Clay would have received Electoral Votes enough, from the State of New-York, to have carried him into the House with General Jackson and Mr. Adams.

Mr. Clay had still many friends in the Senate and Assembly, who united in supporting a Ticket consisting of twenty-five Adams men and eleven Crawford men. Of these, however, it was understood that some preferred Mr. Clay, and would cast their votes for him, in the event that by so doing he could be brought into the House. But before the vote of the Electoral College was given, the news of the loss of Louisiana was received, which was thought to put an end to the contingency, and the Election friendly to Mr. Clay voted, some for Mr. Crawford, and some for Mr. Adams.

stood to be hostile to those great systems of Internal Improvement and protection to home manufactures, which Mr. Clay had spent the best part of his public life in establishing. At least, the General's views were vacillating and undecided on these points. Could Mr. Clay be called upon to sacrifice those important interests on the shrine of merely sectional partiality—for the sake of having a Western rather than an Eastern man to preside over the Union?

No! Henry Clay was not to be influenced by such narrow and unworthy considerations. He has himself said: "Had I voted for General Jackson in opposition to the well known opinions which I entertained of him, one-tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and, *what would have been worse, I should have felt that I really deserved it.*" According to the testimony of his friend, Gen. Call, Gen. Jackson himself never expected that he would receive the vote of Mr. Clay.

With Mr. Adams, Mr. Clay had always been on amicable if not on intimate terms. At Ghent, they had differed on a question of public policy, but they both had too much liberality of soul to make their dissimilarity of opinion a cause of personal displeasure and variance. The Speaker saw in Mr. Adams, a statesman highly gifted, profoundly learned, and long and greatly experienced in public affairs at home and abroad.

How could he in conscience hesitate when the choice lay between two such men? He did not hesitate. He had never hesitated. Long before he left Kentucky, according to the testimony of the Hon. John J. Crittenden, six of the Kentucky delegation in Congress, and some hundreds of respectable citizens, Mr. Clay declared that he could not imagine the contingency in which he would vote for General Jackson. A still more important witness, in the person of the great and good LAFAYETTE, came forward to testify in Mr. Clay's behalf, as the following extract from his letter to Mr. Clay will show:

"My remembrance concurs with your own on this point: that in the latter end of December either before or after my visit to Annapolis, you being out of the presidential candidature, and after having expressed my above-mentioned motives of forbearance, I, by way of confidential exception, allowed myself to put a simple, unqualified question, respecting your electioneering guess, and your intended vote. Your answer was, that in your opinion, *the actual state of health of Mr. Crawford had limited the contest to a choice between Mr. Adams and General Jackson; that a claim founded on military achievements did not meet your preference, AND THAT YOU HAD CONCLUDED TO VOTE FOR MR. ADAMS.*"

Notwithstanding the flagitious attempt to influence his vote, Mr. Clay unhesitatingly gave it for Mr. Adams, and decided the election in his favor. He went further. When, after he was seated in the Presidential Chair, Mr. Adams offered him the Secretaryship of State, he had the moral courage to accept it in defiance of the storm of calumny, exasperation and malignant opposition, which he knew that act would bring down upon him.

This was a critical period in Mr. Clay's public life—a bold, intrepid and magnanimous movement. We know that he now thinks it was a mistaken one. In his speech of the 9th of June, 1842, at Lexington, he says: "My error in accepting the office arose

out of my underrating the power of detraction and the force of ignorance, and abiding with too sure a confidence in the conscious integrity and uprightness of my own motives. Of that ignorance, I had a remarkable and laughable example on an occasion which I will relate. I was travelling, in 1823, through, I believe it was, Spottsylvania in Virginia, on my return to Washington, in company with some young friends. We halted at night at a tavern, kept by an aged gentleman, who, I quickly perceived, from the disorder and confusion which reigned, had not the happiness to have a wife. After a hurried and bad supper, the old gentleman sat down by me, and without hearing my name, but understanding that I was from Kentucky, remarked that he had four sons in that State, and that he was very sorry they were divided in politics, two being for Adams and two for Jackson; he wished they were all for Jackson. Why? I asked him. Because, he said, that fellow Clay, and Adams, had cheated Jackson out of the Presidency. Have you ever seen any evidence, my old friend, said I, of that? No, he replied none, and he wanted to see none. But, I observed, looking him directly and steadily in the face, suppose Mr. Clay were to come here and assure you, upon his honor, that it was all a vile calumny, and not a word of truth in it, would you believe him? No, replied the old gentleman promptly and emphatically. I said to him, in conclusion, will you be good enough to show me to bed, and bade him good night. The next morning, having in the interval learnt my name, he came to me full of apologies, but I at once put him at his ease by assuring him that I did not feel in the slightest degree hurt or offended with him."

With deference, we must express our dissent from Mr. Clay in regarding his acceptance of office under Mr. Adams as an "error." It may have been, *so far as his personal interests were concerned, erroneous, and impolitic*; but, in reference to his public duties, it was right; it was honest; it was courageous. Both Madison and Monroe had offered him the highest offices in their gift; but the country was at those times in such a state, that he thought he could make himself more useful in Congress; and he refused them. None but the ignorant and base-minded could credit the monstrous assertion, that he had made the promise of the Secretaryship the condition of giving his vote for Mr. Adams.

Mr. Clay may have been temporarily injured by the wretched slander; and it will be seen, as we advance in his biography, that after it had been dropped by Kremer, it was revived by General Jackson. But we do not believe that there is at this time a single person of moderate intelligence in the country, who attaches the least credit to the story, thoroughly exploded as it has been by the most abundant and triumphant testimony.

It is, therefore, because we have faith in the ultimate prevalence of truth, that we do not think Mr. Clay was in error, when he so far defied his traducers as to accept the very office which they had previously accused him of bargaining for. The clouds which for the moment hide Truth from our sight only make her shine the brighter when they are dissipated. In the words of Spenser:

"It often falls in course of common life,
That Right long time is overcome of Wrong.
Thro' avarice, or power, or guile, or strife;
But Justice, though her doom she do prolong,
Yet at the last she will her own cause right."

Mr. Clay may still abide, "with a sure confidence, in the conscious integrity and uprightness of his own motives." Slander has done her worst. Never before, in the history of our government, was a public man so bitterly assailed by every weapon and engine that unprincipled detraction and malignant party hostility could invent. For years, the opposition, in the face of the most decided and complete refutations of the calumny—and notwithstanding the original inventors had themselves confessed its falsity—continued to thrust it before the public, until, at length, they could find none so mean and ignorant to credit it. The natural reaction has taken place; and every honest heart now visits with indignation any attempt to resuscitate the crushed and obscene lie. Mr. Clay's reputation has come forth whiter and purer from the ordeal. The "most fine gold" is all the more bright because of those who would have dimmed its lustre. The stream of time is fast bearing down to oblivion the frail and unfounded falsehoods of his enemies; but the pillars of his renown, based as they are upon inestimable public services, remain unshaken and unimpaired.

Mr. Clay entered upon the duties of his new post in March, 1825. In him the House of Representatives lost the ablest and most efficient speaker that had ever graced the chair. The best proof of his popularity may be found in the eloquent fact, that from the time of his first entry into the House in 1811 to 1825, with the exception of two years when he was voluntarily absent, he was chosen to preside over their deliberations almost without opposition. The period of his Speakership will always be regarded as an epoch in the history of our Federal Legislature. Perhaps the most remarkable characteristic of his Presidency over the House, was his perfect—his unimpeachable impartiality. Both foes and friends bore testimony to this trait without a dissenting voice. Strong as were his party feelings, they never could induce him, even in the very tempest and whirlwind of debate, to treat an opponent with unfairness or undue neglect. His decisions were always prompt, yet never so hasty as to be reversed by the House. Notwithstanding the many momentous and agitating questions which were discussed while he occupied the chair, he was never known to lose his self-possession, or to fail in preserving the dignity of his position.

During the long period of his service (some twelve or thirteen years) in the chair, such was the confidence reposed in his impartiality and the rectitude of his judgment, that appeals were rarely taken from his decision—during the last years of his incumbency, scarcely one.

It was under Mr. Clay's administration of the duties of the chair, that the present use of the previous question in terminating debate was established. In England it is employed to put by or postpone a subject which it is deemed improper to debate; and then, when the House of Commons do not choose to hear an unacceptable debater, he is silenced by being shuffled or coughed down. Certainly it is more orderly, and less invidious, for the

House itself to determine when a subject shall be put to the question and all debate upon it stopped. And every deliberative body ought necessarily to possess the power of deciding when it will express its judgment or opinion upon any proposition before it, and, consequently, when debate shall close.

It has been seen, that Mr. Clay's presiding in the chair did not prevent his taking an active and leading part in all the great measures that came before the House in committee of the whole. His spirits were always buoyant, and his manner in debate generally animated, and sometimes vehement. But he never carried from the floor to the chair the excited feelings arising in debate. There he was still composed, dignified, authoritative, but perfectly impartial. His administration of its duties commanded the undivided praise of all parties.

Uniformly cheerful when on the floor, he sometimes indulged in repartee. The late General Alexander Smyth of Virginia, a man of ability and research, was an excessively tedious speaker, worrying the House and prolonging his speeches by numerous quotations. On one of these occasions, when he had been more than ordinarily tiresome, while hunting up an authority, he observed to Mr. Clay, who was sitting near him, "you, sir, speak for the present generation; but I speak for posterity."—"Yes," said Mr. Clay, "and you seem resolved to speak until the arrival of your audience!"

The late Governor Lincoln of Maine was a gentleman of fine feelings, eloquent, but declamatory. On one occasion, when addressing the House of Representatives, of which he was a member, on the Revolutionary Pension Bill, in answer to an argument that it would be a serious charge upon the Treasury of long continuance, as many of the officers and soldiers would live a great while, he burst out into the patriotic exclamation, "Soldiers of the Revolution, live for ever!" Mr. Clay followed him, inculcating moderation, and concluded by turning to Mr. Lincoln, with an arch smile, and observing, "I hope my worthy friend will not insist upon the very great duration of these pensions, which he has suggested. Will he not consent, by way of a compromise, to a term of 999 years instead of eternity?"

CHAPTER IX.

Account of Mr. Clay's Intercourse with General Jackson—Beverly Carter's Letter—General Jackson the Accuser of Mr. Clay—Mr. Buchanan—Final Refutation of the Slander—Mr. Adams's Testimony—Repeated more strongly in 1843—Opposition to Mr. Adams's Administration—Its Character—John Randolph's Assaults—His Duel with Mr. Clay—Last Interview with Mr. Clay in 1835—Impaired state of Mr. Clay's Health—Qualifications for the Secretaryship—The Panama Instructions—Objects proposed in the Panama Congress—Mr. Clay's Letter to Mr. Middleton—His Negotiations while Secretary of State—Treaties—Documents from his pen—Policy of Mr. Adams's Administration—Coalition of the Opposition—Their Consistency—The Colonial Bill—Mr. Van Buren—Modes of Attack—Federalism and Democracy—Jacksonism and Federalism Identified—Presidential Election of 1836—Choice of Andrew Jackson—Economy under Adams, Jackson, and Van Buren—Mr. Clay's views toward the new Administration—He leaves Washington—Gross attempt to injure his private credit—His Letter to R. Wickliffe, Esq.

MR. CLAY has himself given to the public a history of his intercourse with General Jackson. It may be found in his speech of 1838 in the Senate on the Sub-Treasury Scheme.

"My acquaintance," he says, "with that extra-

ordinary man commenced in this city, in the Fall of 1815 or 1816. It was short, but highly respectful and mutually cordial. I beheld in him the gallant and successful General, who, by the glorious victory of New-Orleans, had honorably closed the second War of our Independence, and I paid him the homage due for that eminent service. A few years after, it became my painful duty to animadvert, in the House of Representatives, with the independence which belongs to the Representative character, upon some of his proceedings in the conduct of the Seminole War, which I thought illegal and contrary to the Constitution and the law of Nations. A non intercourse between us ensued, which continued until the Fall of 1824, when, he being a member of the Senate, an accommodation between us was sought to be brought about by the principal part of the delegation from his own State. For that purpose, we were invited to dine with them at Claxton's boarding-house on Capitol Hill, where my venerable friend from Tennessee (Mr. White) and his colleague on the Spanish Commission, were both present. I retired early from dinner, and was followed to the door by General Jackson and the present Minister of the United States at the Court of Madrid (Mr. Eaton.) They pressed me earnestly to take a seat with them in their carriage. My faithful servant and friend, Charles, was standing at the door waiting for me with my own. I yielded to their urgent politeness, directed Charles to follow with my carriage, and they sat me down by my own door. We afterward frequently met, with mutual respect and cordiality: dined several times together, and reciprocated the hospitality of our respective quarters. This friendly intercourse continued until the election, in the House of Representatives, of a President of the United States, came on in February, 1825. I gave the vote which, in the contingency that happened, I told my colleague, (Mr. Crittenden,) who sits before me, prior to my departure from Kentucky, in November, 1824, and told others, that I should give. All intercourse ceased between General Jackson and myself. We have never since, except once accidentally, exchanged salutations, nor met, except on occasions when we were performing the last offices toward deceased members of Congress, or other officers of Government. Immediately after my vote, a rancorous war was commenced against me, and all the barking dogs let loose upon me. I shall not trace it during its ten years' bitter continuance. But I thank my God that I stand here, firm and erect, unbent, unbroken, unsubdued, unawed, and ready to denounce the mischievous measures of this Administration, and ready to denounce this, its legitimate offspring, the most pernicious of all.¹

Directly after the adjournment of the 19th Congress, a letter, dated March 8, 1825, appeared in the newspapers, purporting to relate a conversation of the writer with General Jackson, in which the latter said that Mr. Clay's friends in Congress proposed to his friends (Gen. J.'s) that if they would promise for him, that Mr. Adams should not be continued as Secretary of State, Mr. Clay and his friends would at once elect General Jackson President; and that he (Gen. Jackson) indignantly rejected the proposition. Mr. Carter Beverly, the author of this letter, wrote to Gen. Jackson, soon after its appearance, for a confirmation of its statements.

General Jackson replied, in a letter dated June 5, 1827—*more than two years after the charge was first made*;—but just in season to operate upon approaching elections; and, in his reply, directly charged the friends of Mr. Clay with having proposed to him, (Jackson,) through a distinguished Member of Congress, to vote for him, in case he would declare that

Mr. Adams should not be continued as Secretary of State; and insinuated that this proposition was made by authority of Mr. Clay; and to strengthen that insinuation, asserted that immediately after the rejection of the proposition, Mr. Clay came out openly for Mr. Adams.

To this proposition, according to his own account, General Jackson returned for answer, that before he would reach the Presidential Chair by such means of bargain and corruption, "he would see the earth open, and swallow both Mr. Clay and his friends and himself with them!"—a reply, which was no doubt literally true inasmuch as "such means" could never have been used to elevate the Hero of New-Orleans to the Presidency.

General Jackson gave up the name of Mr. Buchanan of Pennsylvania as "the distinguished Member of Congress," to whom he had alluded in his letter to Mr. Beverly. Mr. Buchanan being thus involved in the controversy, although a personal and political friend of General Jackson, made a statement which entirely exculpated Mr. Clay and his friends from all participation in the alleged proposition. He stated, that in the month of December, a rumor was in circulation at Washington, that Gen. Jackson intended, if elected, to keep Mr. Adams in as Secretary of State. Believing that such a belief would cool his friends and inspire his opponents with confidence, and being a supporter of General Jackson himself, he thought that the General ought to contradict the report. He accordingly called on him, and made known his views; to which General Jackson replied, that though he thought well of Mr. Adams, he had never said or intimated, that he would or would not, appoint him Secretary of State. Mr. Buchanan then asked permission to repeat this answer to any person he thought proper, which was granted, and here the conversation ended. And out of such flimsy materials had General Jackson constructed his rancorous charge against Mr. Clay!

Mr. Buchanan further stated, that he called on General Jackson solely as his friend, and upon his own responsibility, and not as an agent for Mr. Clay, or any other person; that he had never been a friend of Mr. Clay during the Presidential contest; and that he had not the most distant idea that Gen. Jackson believed, or suspected that he came on behalf of Mr. Clay, or of his friends, until the publication of the letter, making that accusation.

Notwithstanding all grounds for the charge were thus annihilated by the testimony of the "distinguished Member of Congress"—himself a warm partizan of General Jackson—the asinine cry of bargain and corruption was still kept up by the opponents of the Administration; and the most audacious assertions were substituted for proofs.

At length, although not the slightest shadow of anything resembling evidence had been produced in support of the calumny, a body of testimony perfectly overwhelming was produced against it. A Circular Letter was addressed to the Western Members (for they alone were accused of being implicated in the alleged transaction) who voted for Mr. Adams in the election by Congress in 1825, requesting to know whether there was any foundation for the charge in the letter of General Jackson.

They all (with the exception of Mr. Cook, who was dead) utterly disclaimed the knowledge of any

proposition made by Mr. Clay, or his friends, to General Jackson, or to any other person; and also explicitly disclaimed any negotiation with respect to their votes on that occasion. On the contrary, the members from Ohio stated that they had determined upon voting for Mr. Adams *previous to their being informed of Mr. Clay's intention*, and without having ascertained his views.

The members from Kentucky, who voted with Mr. Clay, expressed their ignorance of conditions of any sort having been offered by his friends to any person, on compliance with which their vote was to depend.

The members from Louisiana and Missouri, coincided in these declarations, and they all professed their belief in the falsehood of the charges against Mr. Clay, on account of his conduct on that occasion.

In addition to this testimony, letters were produced from well known individuals, satisfactorily establishing the fact that Mr. Clay, previous to his leaving his residence in Kentucky for Washington, in the Fall of 1824, repeatedly made declarations of his preference for Mr. Adams over General Jackson, through the months of October, November, December and January following, until he executed that intention on the 9th of February, 1825, in the House of Representatives. We have already quoted from General Lafayette's letter to Mr. Clay a passage confirming this ample testimony.

Such a mass of evidence effectually crushed the accusation respecting a bargain, and convinced the public, that in voting for Mr. Adams, Mr. Clay and his friends conscientiously discharged their duty; and that they could not have voted otherwise without palpable inconsistency.

When, on the occasion of his speech of June, 1842, at Lexington, Mr. Clay alluded to this calumny, of which we have given a brief history, somebody cried out, that Mr. Carter Beverly, who had been made the organ of announcing it, had recently borne testimony to its being unfounded. Mr. Clay said it was true that he had voluntarily borne such testimony. But, with great earnestness and emphasis, Mr. Clay said, *I want no testimony; here—here—HERE—* (repeatedly touching his heart, amid tremendous cheers)—*here is the best of all witnesses of my innocence.*

Soon after the close of his administration, Mr. Adams, in reply to an address from a committee of gentlemen in New Jersey, spoke in the following terms of Mr. Clay:

"Upon him (Mr. Clay) the foulest slanders have been showered. Long known and appreciated, as successively a Member of both Houses of your National Legislature, as the unrivalled Speaker, and, at the same time, most efficient leader of debates in one of them; as as able and successful negotiator for your interests in war and peace, with foreign powers, and as a powerful candidate for the highest of your trusts—the Department of State itself was a station, *which, by its bestowal, could confer neither profit nor honor upon him*, but upon which he has shed unfading honor, by the manner in which he has discharged its duties. Prejudice and passion have charged him with obtaining that office by bargain and corruption. *Before you, my fellow-citizens, in the presence of our country and Heaven, I pronounce that charge totally unfounded.* This tribute of justice is due from me to him, and I seize, with pleasure, the opportunity afforded me by your letter, of discharging the obligation.

"As to my motives for tendering to him the Department of State when I did, let that man who questions them come forward. Let him look around among Statesmen and Legislators of this Nation and of that day. Let him then select and name the man whom, by his pre-eminent talents, by his splendid services, by his ardent patriotism, by his all-embracing public spirit, by his fervid eloquence in behalf of the rights and liberties of mankind, by his long experience in the affairs of the Union, foreign and domestic, a President of the United States, intent only upon the honor and welfare of his country, ought to have preferred to HENRY CLAY. Let him name the man, and then judge you, my fellow-citizens, of my motives."

During his visit to the West in the fall of 1843, Mr. Adams confirmed this denial in the strongest terms, which it is possible for the human tongue to employ.

"I thank you, sir," said he, in his speech at Maysville, (Ky.) "for the opportunity you have given me of speaking of the great Statesman who was associated with me in the administration of the General Government, at my earnest solicitation—who belongs not to Kentucky alone, but to the whole Union; and is not only an honor to this State and this Nation, but to mankind. The charges to which you refer, I have, after my term of service had expired, and it was proper for me to speak, denied before the whole country; and I here *reiterate and reaffirm that denial*; and as I expect shortly to appear before my God, to answer for the conduct of my whole life, *should those charges have found their way to the Throne of Eternal Justice, I WILL, IN THE PRESENCE OF OMNIPOTENCE, PRONOUNCE THEM FALSE.*"

In his address at Covington, (Ky.) Mr. Adams said, in allusion to the hospitalities, which he had met with: "Not only have I received invitations from public bodies and cities, but also from individuals, among the first of whom was that great man, your own citizen, who, during a very large portion of my public life, and in various public capacities, and in several instances in matters relating to your interests, has been my associate and friend, and the recollection of whom, brings me to the acknowledgment, before this whole assembly, that in all the various capacities in which I have known him to act, whether as associate, as assistant, or acting independently of me, in his own individual character and capacity, I have ever found him not only one of the ablest men with whom I have ever co-operated, but also of the most amiable and worthy."

We have but imperfectly sketched the history of the flagitious measures which were adopted to blast

* Mr. Adams, of whom it may be said, "age cannot mar, nor custom stale his infinite variety," still retains his exalted estimate of Mr. Clay's talent and patriotism, and is his ardent supporter for the Presidency. A correspondent of the Newark Daily Advertiser says:

"I have frequently observed ladies' albums circulating through the House and Senate Chamber, with the view of collecting the autographs of the Members. One this morning, belonging to a young lady of—, attracted considerable attention. Upon examination, I found it contained a page of well written poetry, dated 23d July, 1842, in the tremulous hand-writing of John Q. Adams. This piece was descriptive of the wild chaos at present spread over our political affairs, and anticipated coming events which would bring order out of disorder. The closing verse was as follows:

Say, for whose brow this laurel crown?
For whom this web of life is spinning?
Turn this, thy Album, upside down,
And take the end for the beginning."

"The meaning of this was somewhat mystical, but by turning to the back of the book, and inverting it, on its last page a piece was found with the signature of H. CLAY!"

the political reputation of Mr. Clay and break down the Administration, of which he was the main ornament and support. To the future historian we leave the task of commenting, in adequate terms of reprobation, upon the conduct of those unprincipled men who originated the slander, and continued to circulate it long after it had been proved to be utterly ungrounded. That it answered the purpose for which it was intended; that it was the most efficient instrument employed to trammel and defeat Mr. Adams's Administration there can now be little doubt. The recklessness and audacity with which it was persisted in *until it had served its end*,—the conduct of Mr. Kremer, as he vacillated between his good impulses and the party ties by which he was fettered,—and subsequent developments, still fresh in the remembrance of many of our readers, showed that the promulgation of the calumny was the result of a regularly planned conspiracy.

We refer those who would satisfy themselves of this fact, as well as of the sufficiency of the proofs by which this "measureless lie" was overwhelmed, to the proceedings in the House of Representatives, instituted at Mr. Clay's instance in February, 1825;—to the subsequent letter of Carter Beverley, detailing a conversation at General Jackson's;—to Mr. Clay's Letter to the Public, challenging his enemy to produce his testimony;—to Gen. Jackson's surrender of the name of Mr. Buchanan as the "distinguished Member of Congress" upon whose authority the charge of corruption was reiterated against Mr. Clay;—to Mr. Buchanan's complete and decided disclaimers of any intention on his part of ever giving countenance to the charge;—to Mr. Clay's pamphlets, published in 1827-8, embodying a mass of testimony disproving the charge;—to Mr. Buchanan's statements on the floor of the House of Representatives and the Senate, avowing his disbelief of the charge;—and finally to Carter Beverley's letter, published in 1841, repudiating the calumny as destitute of the slightest foundation in truth, and making such atonement as he could for having given currency to it in his letter of 1825.*

A review of these transactions cannot fail to arouse popular indignation, on account of the persecutions to which Mr. Clay was subjected in consequence of the calumny, and to react its authors and propagators. That the most satisfactory evidence of the reality of such a reaction will be given in the Presidential Election of 1844, we do not entertain the shadow of a lingering doubt.

Rarely has an Administration been subjected to an opposition so unrelenting, so vindictive and so determined as that which assailed the Presidency of John Quincy Adams. The motives of that opposition appear to have been purely selfish and mercenary; for the policy of Mr. Adams resembled that of his predecessor, whose Secretary of State he had been, and it was little calculated to call down a virulent hostility. In his views of the powers of the General Government he was more liberal than Mr. Monroe. He was friendly to the American System of Internal Improvement and Protection, which had been so ably vindicated by Mr. Clay; and all his

measures were conceived in a truly generous, republican and patriotic spirit.

A great clamor was most unjustly raised about the expenses of his Administration. At this day the iniquity of this charge is so apparent as to render it unworthy a serious confutation. It becomes indeed laughable when placed side by side with the list of Presidential expenditures under Mr. Van Buren. In the distribution of his official patronage Mr. Adams appears to have been actuated by the purest and most honorable motives. Not a single removal from office on political grounds was made by his authority; and in no one instance does he seem to have been impelled by considerations of self-interest or with a view to ultimate personal advantage.

The circumstances under which he came into office, however, were a continual source of uneasiness to the friends of Jackson and Crawford; and his Administration, able and honorable to the country as it was, was constantly assailed. John Randolph, who had now a seat in the Senate, was especially bitter and personal in his denunciations. The eccentricities of that extraordinary man induced many persons to believe that he was partially deranged in his intellect. His long, desultory and immethodical harangues were a serious impediment to legislative business, while his selfish taunts and reckless assaults upon individuals were so frequent, that he seemed at length to have arrived at the conclusion that he enjoyed superior immunities in debate—that he was, in fact, "a chartered libertine." In one of the numerous discussions upon the Panama Mission, he took occasion to animadvert in the most offensive manner upon the conduct of Mr. Clay, and denounced the harmony existing between the Secretary of State and the President as a "coalition of Bifid and Black George;" a combination of "the Puritan with the Black-leg."

When called upon by Mr. Clay to explain or retract these expressions, he refused. A hostile meeting consequently ensued between them on the 8th of April, 1826. After two ineffectual fires it resulted in the reconciliation of the parties—John Randolph having given additional evidence, by his conduct and appearance on the occasion, that his eccentricity, if it did not border on insanity, was separated from it by a very slight partition.

The last interview between Mr. Clay and Mr. Randolph was on the 2d or 3d of March, 1833, a few weeks before Mr. R's death, when he was on his way to Philadelphia, where he died. He came to the Senate Chamber, unable to stand or walk without assistance. The Senate was in session by candle-light, and Mr. Clay had risen to make some observations on the Compromise Act. "Help me up," said Mr. Randolph, sitting in a chair, and addressing his half-brother, Mr. B. Tucker; "*I have come here to hear that voice.*" As soon as Mr. Clay had concluded his remarks, he went to Mr. Randolph, and they cordially shook hands and exchanged salutations.

The health of Mr. Clay during the whole period of his residence at Washington, as Secretary of State, was exceedingly unfavorable—so much so, that at one time he had fully determined to resign the office. He was persuaded, however, to remain; and, notwithstanding the depressing influence upon mental and physical exertion of bodily infirmi-

* All these documents may be found in Niles's Register. We regret that our limits will not permit us to expose, in its full deformity, the whole of this nefarious plot against Mr. Clay. That man must presume greatly upon the ignorance of the Public, however, who would at this day venture to revive the extinct lie.

ty, he discharged the complicate and laborious duties of the Secretaryship with a fidelity and efficiency that have never been surpassed. In the records of his labors, in his instructions to Ministers, and his numerous letters upon subjects of foreign and domestic concern, the archives of the State Department contain a lasting monument to his transcendent abilities as a statesman and his indefatigability as a public officer.

One of the ablest state papers in the diplomatic annals of the United States is the letter of instructions of Mr. Clay to the Delegation to Panama. The story of this Mission may be briefly told. A Congress was proposed to be held at Panama or Tacubaya, to be composed of Delegates from the Republics of Mexico, Colombia and Central America, to deliberate on subjects of importance to all, and in which the welfare and interest of all might be involved. The threatening aspect of the Holy Alliance towards the free Governments of the new world had induced the late President, Monroe, to declare that the United States would not view with indifference any interference on their part in the contest between Spain and her former Colonies; and the Governments of the new Republics were naturally led to suppose that our own was friendly to the objects proposed in the contemplated Congress. In the Spring of 1825, invitations were given on the part of Colombia, Mexico and Central America to the United States to send Commissioners to Panama.

In reply to this proposition, coming from the Ministers of those powers at Washington, Mr. Clay said, that before such a Congress met, it appeared to him expedient to adjust, as preliminary matters, the precise objects to which the attention of the Congress would be directed, and the substance and the form of the powers of the Ministers representing the several Republics. This suggestion called forth answers, which were not considered as sufficiently precise; but still to manifest the sensibility of the United States to what concerned the welfare of America, and to the friendly feelings of the Spanish American States, the President determined to accept their invitations, and to send Ministers with the consent of the Senate.

In March, 1829, a call having been made in the Senate for copies of the instructions given to our Ministers at Panama, Mr. Adams transmitted them; and they were soon afterwards published, notwithstanding a rancorous attempt on the part of the opposition to prevent their appearance; so creditable were they to the Administration that was going out of power, and to Mr. Clay, their author; and so completely did they refute the slanders, which had been propagated in connection with the Mission. Few state papers in the archives of the Government will compare, in point of ability, with this letter of instructions of Mr. Clay. It was, perhaps, the most elaborate paper prepared by him whilst in the Department of State. The liberal principles of commerce and navigation, which it proposed; the securities for neutral and maritime rights, which it sought; the whole system of international and American policy, which it aimed to establish; and the preparatory measures, which it recommended, *for uniting the two Oceans by a Canal*, constitute i

one of the boldest, most original, comprehensive and statesman-like documents on record.

Another masterly paper from the pen of Mr. Clay is his letter of May, 1825, to our Minister at St. Petersburg, Mr. Middleton, instructing him to engage the Russian Government to contribute its best exertions toward terminating the contest then existing between Spain and her Colonies. The appeal was not in vain. Through Mr. Clay's exertions, the policy of recognizing the Independence of Greece, and sending a Minister to that country, was also at length acquiesced in; and the effect of that recognition—the first she had experienced—in rousing the spirit of the struggling nation, is a matter of history.

The number of Treaties negotiated by Mr. Clay at the Seat of the General Government is greater than that of all which had ever been previously concluded there from the first adoption of the Constitution. His Diplomatic experience—his attractive manners—his facile and unceremonious mode of transacting business, rendered him a favorite with the Foreign Ministers at Washington, and enabled him to procure from them terms the most advantageous to the Country. During his incumbency as Secretary, he concluded and signed Treaties with Colombia, Central America, Denmark, Prussia and the Hanseatic Republic; and effected a negotiation with Russia for the settlement of the claims of American citizens. He also concluded a Treaty with Austria, but did not remain in office to see it signed.

His letters to Mr. Gallatin, our Minister at London, in relation to the trade between the United States and the British Colonies, are documents of extraordinary interest and value, which ably advocate a durable and obligatory arrangement by Treaty in preference to other modes of settlement. His letters to the same functionary, on the Navigation of the St. Lawrence, and to our Chargé at London, relative to the North-Eastern Boundary, exhibit much research, and a sagacious, enlightened and truly American spirit. Never was the Diplomacy of the Country so efficiently and creditably conducted as when under the charge of Henry Clay.

It has been justly said that no policy could be more thoroughly anti-European, and more completely American, than that of Mr. Adams's Administration. He would exclude all farther European colonization from the American Continent; all interference of European Monarchs, especially those of the mis-called Holy Alliance, in American politics; he would render his own country, essentially, independent of European work-shops, by fostering American Arts, Manufactures and Science, and would strengthen her power, by rendering her force more available through the instrumentality of Internal Improvements. To these objects his efforts were directed.

Mr. Clay had long been the acknowledged head of the Democratic Party; the most vigorous, eloquent and consistent champion of their principles, and we may add, that such he has ever continued. In giving his vote for Mr. Adams, he believed—and events justified his belief—that he would secure to the Country an Administration attached to the same leading policy that had characterized the Administrations of Madison and Monroe, with this additional

advantage: that it would be decidedly friendly to those great measures of Protection and Internal Improvement, of which he had been the early and persevering advocate. But the elements of opposition, which had remained inactive during the eight years of Mr. Monroe's Presidency, began to form and combine against his successor almost before he was 'warm in his chair.' The character of these elements was somewhat heterogeneous; and the partisan managers were long puzzled to find some principles of cohesion in their opposition. The policy of Mr. Adams upon all important questions coincided with that of the majority, and was sanctioned by the example of his great Democratic predecessors. At the commencement of his term of office, he had declared his intention to follow that example in the general outlines. He made it a rule to remove no man from office except for official misconduct, and to regard, in the selection of candidates for vacancies, only their moral and intellectual qualifications. He thus voluntarily relinquished the support which he might have derived from Executive patronage, and placed the success of his Administration simply upon the merit of its principles and its measures. What possible ground of opposition, therefore, could be discovered or invented? "*No matter: his Administration must be put down;*" for an army of aspirants and office-seekers were in the field. In the words of one of the most distinguished of General Jackson's supporters, the Administration must be put down, "*though as pure as the angels at the right hand of God.*"

Such being the tone of feeling among the Opposition, it is not a matter of surprise that the weapons employed against Mr. Adams and his friends were of a character directly the opposite of 'angelic.' In the first place, a gross and utterly unfounded charge of corruption was brought against the President and the Secretary of State. We have seen how utterly exploded, by the most positive and overwhelming testimony, that miserable slander has been. Charges of extravagance were then made against the Government; and a paltry bill for crockery and furniture for the White House was magnified into an accusation against the plain, frugal and unassuming Mr. Adams of an intention to ape the extravagance and splendor of European Potentates. The ordinary and established expenditures of the Government were examined with new and unexampled rigor, for the purpose of producing the belief that they originated with the Administration; and an assertion on his part of the President's Constitutional right to appoint, in the vacation of Congress, Diplomatic Agents to transact the Foreign business of the Country was construed into an usurpation of a new and unconstitutional power.

It having been discovered that the Secretary of State had, in some ten or dozen cases, transferred the employment of publishing the Laws from one Printing Establishment to another, a great clamor was raised about an attempt to corrupt the Press. The Secretary was charged with selecting the papers for political and personal objects; and a Resolution was offered, in the House of Representatives, requiring him to communicate the changes which had been made, and his reasons therefor. But, on its being discovered that the House had no jurisdiction of the case, the inquiry

was dropped. By way of showing the consistency of the Opposition, at the very time the detachment in the House were arraigning Mr. Clay for changing the publication of the Laws from one newspaper to another, their brethren in the Senate, under the guidance of Mr. Van Buren, were engaged in the attempt to deprive the National Intelligencer of the Printing of that body!

Shortly before the termination of the Second Session of the Nineteenth Congress, Mr. Floyd of Virginia announced to the public that the '*combinations*' for effecting the elevation of General Jackson were nearly complete. During the Session, symptoms of the coalition began to appear; and on several questions an organized opposition was made manifest. Of these, we need only enumerate the Bankrupt Act, the bills for the gradual improvement of the Navy, authorizing Dry Docks and a Naval School, the appropriations for Surveys and Internal Improvement, the Controversy between Georgia and the General Government respecting the Creek Treaty, the bills to augment the Duty on imported Woollens, and closing the Ports of the United States against British vessels from the Colonies, after a limited period.

With regard to the Colonial Bill, the conduct of the succeeding Administration upon the subject of the West India Trade may make a brief outline of facts not inappropriate in this place. At the first session of the Nineteenth Congress, a bill was introduced into the Senate to accept, as far as practicable, the terms proposed by the British Acts of 1825, regulating the intercourse of Foreign Powers with her West India Islands. Owing to the long and interminable debates for political effect in that body at that session, the bill was not passed, and in the vacation the British Government interdicted the trade. The next session, measures of retaliation were proposed, but no definite steps were taken until the close of the session; and by a disagreement between the two Houses, the bill was lost, and the Executive was compelled to close our ports abruptly without any conditions. The manner in which Mr. Van Buren afterwards, when Secretary of State, availed himself of this fact, to disparage the administration of Mr. Adams before the British Ministry and Nation, is well known; and the mendicant appeals which, in his instructions to our Minister at the Court of St. James, he directed to be made to the English negotiators, remain a stigma on the diplomacy of the United States. The West India Trade was a fair and proper subject of convention between the two countries, to be settled on the basis of mutual rights and reciprocal interests. The honor of our country forbade any other course. If England would not deign to treat on this subject, it was not for us to coax her haughty Ministers into concession by legislative enactments. Such was the elevated and patriotic view of the subject taken by Mr. Clay. Directly opposite were the view afterwards taken, and the course adopted, by Mr. Van Buren.

As Mr. Adams's administration drew to a close, it began to be apparent that it was not destined to a second term. The strongest appeals were made to the sectional feelings of the Western States in behalf of the candidate of the Opposition; and these appeals were but too successful. In the various sections of the Union, opposite reasons were urged

with effect against the Administration. New-York and Pennsylvania were operated upon by an assertion, industriously circulated, that General Jackson was the candidate of the Democracy of the country, and this impression contributed to create a strong party in the States of Maine and New-Hampshire. Nothing could be more untrue than the assertion. Many of the leaders of the old Federal party were the most ardent personal opponents of Mr. Adams, and became the most effective enemies of his Administration. These men might afterwards be heard claiming to be the orthodox Democratic party, and denouncing Henry Clay—the early opponent of the Alien and Sedition Laws—the friend and supporter of Jefferson's administration—the main pillar of Madison's—and the most active originator and advocate of the Last War—as a *Federalist*!

The truth is that it has fared with the principles of Federalism as with its men. In the time of Mr. Monroe there was a general blending of parties. A new and distinct formation, on grounds at first purely personal, was made during the administration of Gen. Jackson. As soon as there was a division on principles, the worst part of the old Federalists—some of the most bitter and envenomed—the black cockade gentry, who had passed their younger years in writing pasquinades on Mr. Jefferson's breeches, and had been in the habit of thanking Heaven that they had “no Democratic blood in their veins”—went over to Gen. Jackson, and carried with them a spirit of ultraism, ay, and of ultra-Federalism, which was developed in the Protest, and Proclamation, and many of the leading measures of his Administration. The more moderate, prudent and patriotic joined with the Democratic party, and formed the great *Whig* party of the country. The *ultras* of the old parties coalesced, and the combination was naturally *Tory*.*

Upon the assembling of the Twentieth Congress, it was ascertained, by the election of the Speaker, that a majority of the House was opposed to the Administration; and this victory was soon followed by such an accession from those who were *uncommitted* in the Senate as to give a majority to the same party in that body. Thenceforward the Administration was not allowed, of course, a fair trial; and every question was discussed with a view to political effect.

* In one of the skirmishes between Mr. Clay and Mr. Calhoun, during the Sub-Treasury discussion, Mr. Clay took up, among other topics, this question of Federalism. Mr. Calhoun had alluded to the friends of his opponent as members of the Federal party. “Sir,” said Mr. Clay, “I am ready to go into an examination with the honorable Senator at any time, and then we shall see if there are not more members of that same old Federal party amongst those whom the Senator has so recently joined than on our side of the house. The plain truth is, that it is the old Federal party with whom he is now acting. For all the former grounds of difference which distinguished that party, and were the subjects of contention between them and the Republicans, have ceased, from lapse of time and change of circumstances, with the exception of one, and that is the maintenance and increase of Executive power. This was a leading policy of the Federal party. A strong, powerful and energetic Executive was its favorite tenet.” * * * “I can tell the gentleman that he will find the true old Democratic party, who were for resisting the encroachments of power, and limiting Executive patronage, on this side of the Senate, and not with his new allies, the Jackson-Van Buren Democratic party, whose leading principle is to sustain the Executive, and deny all power to the Legislature: and which does not hold a solitary principle in common with the Republican party of 1798.”

At length, in the autumn of 1823, the Presidential Election took place, and resulted in the choice of Andrew Jackson, by one hundred and twenty-eight votes in the primary Electoral Colleges, given by sixteen States, including Virginia and Georgia, which, in the previous Election, had cast their votes for Mr. Crawford. Mr. Adams was supported by the six New-England States; by New-Jersey, which had previously voted against him; by Delaware, and sixteen votes from New-York, and six from Maryland. Mr. Calhoun obtained the same vote for Vice President that Gen. Jackson did for President, except seven votes in Georgia, which were thrown away upon William Smith of South Carolina. Mr. Rush received the whole vote of the Administration party for Vice President.

Thus ended the administration of John Quincy Adams, during which our domestic and foreign affairs were never more ably and prosperously conducted. The foreign policy of the Government had only in view the maintenance of the dignity of the National character, the extension of our Commercial Relations, and the successful prosecution of the claims of American citizens upon Foreign Governments.

The Domestic policy was no less liberal, active and decided; and never was there a more groundless political libel than that which impeached the integrity and economy of that Administration. As the charge of extravagance was the argument most vehemently urged against Mr. Adams's Administration, it may be well in this place to glance at its plausibility. The aggregate expenditures of the several Administrations from 1789 to 1838, exclusive of the Public Debt, and payments under Treaty stipulations, including the expenses and arrearages of the last War with Great Britain, were:

Washington's Administration, 8 yrs.	\$15,890,698 55
John Adams's “ 4 “	21,348,356 19
Jefferson's “ 8 “	41,100,788 88
Madison's “ 8 “	144,684,944 86
Monroe's “ 8 “	99,363,509 64
J. Q. Adams's “ 4 “	49,725,721 26
Jackson's “ 8 “	144,579,847 72
Total	\$516,693,867 10

From this statement it appears that the reforming, retrenching, economical, *Democratic* Administration of General Jackson, that expressed such a holy horror at Mr. Adams's extravagance, cost the country as much as the Administration of Mr. Madison, including the outlays of an expensive War with Great Britain. Mr. Van Buren retrenched in the same ratio with his predecessor. The first year of his Administration cost the People \$33,554,341—about three times the average annual expenditure of Mr. Adams! During the remainder of his term the public expenses were in a like proportion. What measure of condemnation should be bestowed upon the political hypocrites whose promised reforms and retrenchments resulted in such gross profligacy and neglect of the public interests!

In March, 1829, General Jackson entered upon the discharge of his official duties as President. On the 14th of the same month, Mr. Clay left Washington for his residence in Kentucky. Before quitting that city, some of the principal residents, as a parting tribute of respect, gave him a Public Dinner. In his speech on the occasion, he briefly reviewed the events, in which he had been an actor, during

the preceding four years. He alluded to the serious charge against him, which had been brought by General Jackson, who, after summoning his friend and *only* witness (Mr. Buchanan) to establish it, and hearing that witness promptly and unequivocally deny all knowledge whatever of any transaction that could throw the slightest shade upon the character of the accused, maintained a stubborn and persevering silence upon the subject, instead of magnanimously acknowledging his error and atoning for the gross injustice of which he had been guilty. "But," said Mr. Clay, "my relations to that citizen, by a recent event, are now changed. He is 'the Chief Magistrate of my Country, invested with large and extensive powers, the administration of which may conduce to its prosperity, or occasion its adversity. Patriotism enjoins, as a duty, that while he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor.'"

Such was the patriotic spirit with which Mr. Clay regarded the elevation of General Jackson, and in which he was prepared to judge of the acts of the new Administration.

The political enemies of Mr. Clay were not, however, content with misrepresenting his public course. They lifted, with a rude and ruffianly hand, the veil from his private affairs, and attempted to destroy his private credit by charging him with bankruptcy. The consequence was the publication of a letter from Mr. Clay to Robert Wickliffe, Esq. dated May 24, 1823, in which the falsehoods of his assailants were fully confuted. He admitted that he had incurred a heavy responsibility, about ten years before, as endorser for his friends, to which cause his temporary retirement from public life and the renewal of his professional labors were to be attributed. The mortgages upon his Estate did not amount to ten thousand dollars, and before the expiration of the year he hoped there would not remain one-fifth of that sum.

"I have hitherto," says Mr. Clay, in this letter, "met all my engagements by the simplest of processes, that of living within my income, punctually paying interest when I could not pay principal, and carefully preserving my credit. I am not free, absolutely, from debt. I am not rich. I never coveted riches. But my estate would, even now, be estimated at not much less than one hundred thousand dollars. Whatever it may be worth, it is a gratification for me to know that it is the produce of my own honest labor—no part of it being hereditary, except one slave, who would oblige me very much if he would accept his freedom. It is sufficient, after paying all my debts, to leave my family above want, if I should be separated from them. It is a matter also of consolation to me to know, that this wanton exposure of my private affairs can do me no pecuniary prejudice. My few creditors will not allow their confidence in me to be shaken by it. It has indeed led to one incident, which was at the same time a source of pleasure and of pain. A friend lately called on me at the instance of other friends, and informed me, that they were apprehensive that my private affairs were embarrassed, and that I allowed their embarrassment to prey upon my mind. He came, therefore, with their authority to tell me, that they would contribute any sum that I might want to relieve me. The emotions which such a proposition excited can be conceived only by honorable men. I felt most happy to be able to undeceive them, and to decline their benevolent proposition."

CHAPTER X.

Mr. Clay's Return to Kentucky—Triumphant Reception—Public Dinner—Speeches—Mr. Clay and the Colonization Society—His sentiments on Slavery—Abolition Petitions—Visit to New-Orleans—Natchez—Complimentary Reception by the Louisiana House of Representatives—Visit to Ohio—Dines with the Mechanics at Columbus—His Election to the U. S. Senate in 1831—Nomination to the Presidency—The Tariff—Defence of the American System—Mr. Clay's estimate of the Irish character—Reduction of Duties—Letter of T. H. Benton.

THERE are few men, who can bear defeat more gracefully, or with more unaffected good humor, than Mr. Clay. Relieved from his official toils as Secretary of State, his health rapidly improved, and his fine spirits expanded unchecked. On his journey from the seat of Government, previous to his arrival at Uniontown in Pennsylvania, the roads being extremely bad, he sent his private vehicles ahead and took the stage-coach. Finding it disagreeable within, however, he removed to an outside seat next the driver, and, in that situation, entered Uniontown. The good people of the place expressed a great deal of surprise at seeing the ex-Secretary in that *lofty*, and yet *humble* position. "Gentlemen," replied Mr. Clay, "although I am with the *outs*, yet I can assure you that the *ins* behind me bave much the worst of it."

On his way to Kentucky, Mr. Clay received continual testimonials of the attachment and esteem of the people. He was invited to innumerable public dinners, but was able to appear only at a few. At Frederick in Maryland, he made an admirable speech at one of these complimentary festivals on the eighteenth of March, 1829. On the thirty-first of the same month he dined with the mechanics at Wheeling, whom he addressed principally in relation to the American System—Manufactures and Internal Improvements. He reached his home at Ashland, with his family, the sixth of April, having been met at some distance from Lexington by a large number of friends, by whom he was most affectionately received.

On the 16th of May, a great public dinner was given to him at Fowler's Garden by his fellow-townsmen. Three thousand sat down at the table; and Mr. Clay spoke for the space of one hour and thirty-five minutes; the following appropriate toast having been previously given: "Our distinguished guest, friend and neighbor, HENRY CLAY—with increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents and incorruptibility—may health and happiness attend him in retirement, and a grateful nation do justice to his virtues."

Mr. Clay's speech on this occasion is one of the choicest specimens of his eloquence, being pervaded by some of the finest characteristics of his style, although there is, of course, an absence of those impassioned appeals, which would have been out of place. The exordium is full of pathos and beauty. He had been separated for four years from his friends and neighbors. After devoting the best energies of his prime to the service of his country, he had been grossly traduced and injured, and his most conspicuous traducer had been elevated to the Presidency. He had returned home once more; and now saw before him, gathered together to do him honor, to renew their assurances of attachment and confidence, sires with whom, for more than thirty years, he had interchanged friendly offices—their sons, grown up

during his absence in the public councils, accompanying them—and all prompted by ardent attachment, surrounding and saluting him as if he belonged to their own household.

After alluding in the happiest manner to some of these circumstances, Mr. Clay reviewed briefly the course of the past Administration—referred to the clamor which had been raised against Mr. Adams *‘or proscription’*—when the fact was, that not a solitary officer of the Government, from Maine to Louisiana, was dismissed on account of his political opinions, during the whole of Mr. Adams's Administration—contrasted this course with that which President Jackson commenced so soon after his installation—and eloquently pointed out the evil consequences of the introduction of a tenure of public office, which depended upon personal attachment to the Chief Magistrate.

In concluding his remarks, Mr. Clay touchingly expressed his gratitude to his fellow-citizens of Kentucky, who had “constantly poured upon him a bold and unabated stream of innumerable favors.” The closing sentences of the speech are in the genuine language of the heart which cannot be counterfeited, and which none can so eloquently employ as Henry Clay. “When,” said he, “I felt as if I ‘should sink beneath the storm of abuse and detraction, which was violently raging around me, I have found myself upheld and sustained by your encouraging voice and your approving smiles. I have doubtless committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am to appear to the Divine Presence on other accounts, I invoke the stern Justice of his judgment on my public conduct, without the smallest apprehension of his displeasure.”

During the Summer and Autumn of 1829 Mr. Clay visited several parts of the State of his adoption, and everywhere he was hailed as a friend and public benefactor. On the 17th of December he addressed the Kentucky Colonization Society at Frankfort in a speech, in which he eloquently vindicated the policy and character of that benevolent institution. He had been an early and constant advocate of the system of Colonization. In his speech before the American Colonization Society, delivered the 20th of January, 1827, in the Hall of the House of Representatives at Washington, we find the following impressive passage:

“It is now a little upwards of ten years since a religious, amiable and benevolent resident of this city (Mr. Caldwell) first conceived the idea of planting a Colony, from the United States, of free people of color, on the Western shores of Africa. He is no more, and the noblest eulogy which could be pronounced on him would be to inscribe upon his tomb, the merited epitaph—‘Here lies the projector of the American Colonization Society.’ Amongst others, to whom he communicated the project, was the person who now has the honor of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own re-

flections, and I finally agreed with him that the experiment was worthy of a fair trial.”

After presenting in a clear and forcible light the project of the Society for the gradual extinction of Slavery, Mr. Clay remarked in regard to it: “All, ‘or any one, of the States which tolerate Slavery ‘may adopt and execute it, by co-operation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it by foreign nations—*If I could only be instrumental in ridding of this foul blot that revered State that gave me birth, or that not less beloved state which kindly adopted me as her son, I would not exchange the proud satisfaction which I should enjoy for the honor of all the triumphs ever decreed to the most successful conqueror.*”

To the system of colonization, we believe, Mr. Clay yet looks as a means for diminishing the proportion of the black population to the white in the Slave States until emancipation would be compatible with the security and interests of the latter.

In January, 1830, Mr. Clay made a visit to one of his married daughters at New-Orleans. Although appearing there as a private citizen, he found it impossible to escape those attentions, which the public gratitude suggested. He was daily visited by crowds of persons, including Members of the Legislature and Judges of the different Courts. The shipmasters, who were in port, waited in a body upon him as the champion of *Free Trade and Sailors' Rights*. Declining an invitation to a public dinner, he left New-Orleans for Natchez, on his way home, the 9th of March. As the boat, in which he had embarked, quitted the pier, the scene was of the most animated description. The Levee and the tops of the steamboats, a great number of which were in port, exhibited a crowded and almost unbroken mass of spectators, collected to see him and do him honor. The shouting multitude, the elevation of flags, and the roar of cañons, which burst from the crowd of surrounding vessels, as the boat moved off, presented altogether one of the most imposing spectacles that could be imagined. It was a grand civic ovation, as honorable to the subject of it as any triumph which ever greeted a military conqueror.

At Natchez, persons from all parts of Mississippi were waiting to meet him. The press of the crowd into the steamboat containing the illustrious visitor was so great as to excite alarm; and the mass collected on the wharf was so dense that much time and exertion were required to make way through it. Soon after his arrival he accepted a pressing invitation to a public dinner. A vast concourse assembled on the occasion. His speech is described as unusually felicitous. He was several times obliged to stop speaking for some minutes—while the enthusiasm of his hearers exhausted itself in repeated rounds of applause. In the course of his remarks, having occasion to allude to the battle of New-Orleans, he paid a generous tribute to Gen. Jackson. Henry Clay never was the man to detract from the merits of even his most unrelenting opponents.

On the twenty-seventh of March, Mr. Clay reached Lexington, having declined numerous invitations to public dinners on his route. He had stopped on his way unpremeditatedly at Donaldsonville, (the

new Seat of Government of Louisiana,) to see the public buildings, and pay his respects to some of his old friends and acquaintances. Unexpectedly entering the hall of the House of Representatives, he was immediately recognized, and the whole body, including the Speaker and Members of all parties, simultaneously rose to receive him.

In the summer of 1830, having business in the Circuit and District Courts of Ohio, he visited Columbus, where he was cordially welcomed by the Mechanics, at whose Celebration the following appropriate Toast was given:

"Our inestimable guest, HENRY CLAY. An efficient laborer in support of the Industry of the Country. Farmers and Mechanics know how to appreciate his services."

His entry into Cincinnati was quite imposing.—All classes assembled to welcome his approach. He here dined with the Mechanics, and his Speech upon the occasion is an eloquent vindication of the American System, and a just rebuke of the odious doctrine of Nullification, which was then beginning to be preached in South Carolina and Georgia.

In the autumn of 1831, Mr. Clay was elected to the Senate of the United States by the Legislature of Kentucky, by the following vote:—In the Senate, Henry Clay, 18; Richard M. Johnson, 19; Warden Pope, 1. In the House of Delegates, Clay, 55; Johnson, 45.—At the first session of the Twenty-Second Congress, he presented his credentials, and took his seat once more in a body where, twenty-five years before, he had made his influence felt and his talents respected.

Contemporaneous with his re-appearance in the Senate, was the meeting of the National Republican Convention, which assembled at Baltimore on the twelfth of December, 1831, and unanimously nominated HENRY CLAY to the office of President of the United States, and JOHN SERGEANT to that of Vice President.

The subject of the Tariff began to be vehemently agitated in Congress early in the session of 1831-32. The discontent of the South was assuming an alarming aspect; and the system of Protection, which Mr. Clay had labored so long and incessantly to establish, was threatened with material qualifications, if not a complete overthrow. In that conciliatory spirit, which he had manifested on many critical occasions, he now approached this exciting topic. On the ninth of January, 1832, he introduced a Resolution providing that the existing Duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the Duties upon Wines and Silks, and that they ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly. This Resolution he sustained in an admirable Speech of about two hours' duration, in which he spoke warmly in favor of the maintenance of the Protective Policy and that of Internal Improvement.

Mr. Hayne followed in reply; and on the second of February, the subject being still under discussion before the Senate, Mr. Clay commenced his ever-memorable Speech in defence of the American System against the British Colonial System. It was continued on the next day, and finally completed on

the sixth of the same month. Such a chain of irrefragable argument as it presents, interlinked with facts the most cogent and appropriate, has rarely been forged by human ingenuity. It will be referred to by future statesmen as their political textbook, when the Protective Policy is called in question.

After an impressive exordium, he alluded to the distress of the country after the War. The period of greatest distress was seven years previous to the year 1824: the period of greatest prosperity the seven years following that act. He then gave a picture of the flourishing condition of the country. He maintained that all the predictions of the enemies of the Tariff in 1824 had been falsified by experience—that all the benefits which he had anticipated had been realized. He alluded to all the interests now protected—all Mechanic Arts—Navigation—Agriculture—and Manufactures. He argued that the Tariff began in 1792, which established the great principle of Protection. It was the second act of the First Congress—sanctioned by the Father of his Country, and most of the eminent Statesmen of that day. Mr. Clay then traced the history of the subject down to 1816; commented on the Tariff of that year, its object, extent and policy; then the Tariff of 1824; the amendment of the system in 1820—the *Bill of which year was framed on principles directly adverse to the declared wishes of the friends of the policy of Protection*, although the error then perpetrated was corrected by subsequent legislation.

After a graphic description of the beneficial effects of the policy, which they were now called upon to subvert, Mr. Clay asked what was the substitute proposed by those whose design was the immediate or gradual destruction of the American System? The reply is as appropriate to the enemies of the System now as it was ten years ago. "*Free Trade!—Free Trade!* The call for Free Trade is as unavailing as the cry of a spoiled child, in his nurse's arms, for the moon or the stars that glitter in the firmament of heaven. It never has existed. It never will exist. Trade implies at least two parties. To be free, it should be fair, equal and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports, of any other foreign nations, shall we find open to the free admission of our surplus produce? We may break down all barriers to Free Trade, on our part, but they will not be complete until Foreign Powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions and exclusions on the other. The bolts and the bars and the chains of all other nations will remain undisturbed." * * * "Gentlemen deceive themselves. It is not Free Trade that they are recommending to our acceptance. It is, in effect, the British Colonial System that we are invited to adopt; and, if their policy prevail, it will lead, substantially, to the re-colonization of these States, under the commercial dominion of Great Britain."

* "Fair Trade and Sailors' Rights," was the Toast given by the late Mr. Gilmer, the day of the fatal accident on board the Princeton. The substitution of a single word illuminates the whole subject. A "Fair Trade" is what Mr. Clay has always aimed to secure for his country.

In the course of his Speech, Mr. Clay had occasion to introduce the following remarks upon the Irish character. They show his high appreciation of the worth of an important class of our adopted fellow citizens :

"Of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald Isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was, originally, part and parcel of this Continent, and that, by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same open-heartedness; the same generous hospitality; the same careless and uncalculating indifference about human life, characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt that, if the current of emigration were reversed, and set from America upon the shores of Europe, instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!"

On the 13th of March Mr. Dickerson, from the Committee on Manufactures, reported, in conformity with Mr. Clay's resolution, a bill for repealing the duties upon certain specified articles of import. The bill was opposed at the threshold because it did not embrace the whole subject of the Tariff; because it made no reduction of duties upon *protected* articles. An animated debate ensued, and the bill was laid upon the table. After undergoing numerous modifications in both Houses, it was finally passed by Congress in July, 1832. By this new law, the principles for which Mr. Clay and the rest of the friends of Domestic Industry had contended, were preserved. The Revenue was greatly reduced, but the Protective System remained unimpaired. Of Mr. Clay's efforts in the establishment of that System no one has more impressively spoken than Thomas Hart Benton, Senator in Congress from Missouri, who, in a Circular signed by him and first published in the 'Missouri Intelligencer,' October 22, 1824, gives utterance to these just and eloquent sentiments :

"The principles which would govern Mr. Clay's Administration, if elected, are well known to the Nation. They have been displayed upon the floor of Congress for the last seventeen years. They constitute a System of AMERICAN POLICY, based on the Agriculture and Manufactures of his own country—upon Interior as well as Foreign Commerce—upon Internal as well as Sea-Board Improvement—upon the independence of the New World, and close Commercial alliances with Mexico and South America. If it is said that others would pursue the same system; we answer, that the founder of a System is the natural executor of his own work; that the most efficient protector of American Iron, Lead, Hemp, Wool and Cotton would be the triumphant champion of the New Tariff; the safest friend to Interior Commerce would be the Statesman who has proclaimed the Mississippi to be the Sea of the West; the most zealous promoter of Internal Improvements would be the President, who has triumphed over the President who opposed the construction of National Roads and Canals; the most successful applicant for Treaties with Mexico and South America would be the eloquent advocate of their own Independence.

"THOMAS HART BENTON."

CHAPTER XI.

Reception of the Amended Tariff at the South—Progress of Nullification—Re-election of General Jackson—Proclamation—The Protective System in danger—The Enforcement Bill—Perilous state of Affairs—Henry Clay comes forward with his Plan for a Compromise—Origin of that Measure—Particulars in regard to it—Mr. Clayton of Delaware—Anecdotes—Leading Motives of Mr. Clay—Statement of Hon. H. A. S. Dearborn—Passage of the Compromise Bill—Public Gratitude—Characteristics of Mr. Clay's Public Career—His Visit to New-England—Triumphal Reception—Honors paid to him on his route.

THE amended Tariff was received with little favor by the South. Nullification grew daily bolder in its denunciations and menaces; and the Union seemed to be greatly in danger. On the 24th of November, 1832, the South Carolina Convention passed their ordinance, declaring the Revenue Laws of the United States null and void; and soon afterward the Legislature of the State met, ratified the proceedings of the Convention, and passed laws for the organization of the Militia and the purchase of munition and ordnance.

In the midst of these troubles, the Presidential Contest took place, and resulted in the re-election of General Jackson over the opposing candidates, Henry Clay, John Floyd of Virginia, and William Wirt.

On the 10th of December, 1832, soon after the meeting of Congress, President Jackson issued his Proclamation, announcing his determination to enforce the Revenue Laws, and exhorting the citizens of South Carolina to pause in their disorganizing career. This remonstrance produced little effect. It was followed, on the 20th of the same month, by a counter Proclamation from Governor Hayne, warning the citizens of South Carolina against the attempt of the President to seduce them from their allegiance, and exhorting them, in disregard of his threats, to be prepared to sustain the State against the arbitrary measures of the Federal Executive.

The Protective System was at this moment in imminent hazard of being destroyed. General Jackson's Administration was always inimical to that policy, originated and principally supported as it had been by a hated rival. The Tariff became the great question of the session. It was referred to the Committee of Ways and Means, where it was re-modeled; and on the 27th of December, a bill was reported, which was understood to embody the views of the Administration. It proposed a diminution of the duties on all the protected articles, to take effect immediately, and a further diminution on the 2nd of March, 1834. The subject was discussed from the 8th to the 16th of January, 1833, when a message was received from the President, communicating the South Carolina ordinance and nullifying laws, together with his own views as to what should be done under the existing state of affairs. On the twenty-first of the same month, the Judiciary Committee of the Senate reported a bill to enforce the collection of the revenue, where any obstructions were offered to the officers employed in that duty.

The aspect of affairs was now alarming in the extreme. The administration party in the House had shown itself utterly incapable of devising a tariff likely to be accepted by a majority of that body. The session was rapidly drawing to a close. South Carolina had deferred the period of its collision with the General Government in the hope that some mea-

sure of adjustment would be adopted by Congress. This hope seemed to be daily growing fainter. Should the enforcing bill not be carried into effect against the Nullifiers, the Tariff was still menaced by the Federal administration, avowedly hostile to the protective system.

At this juncture, Henry Clay, deeply impressed with the importance of the crisis, stepped forward to reconcile conflicting interests, and to avert the direful consequences which would result from the farther delay of an adjustment. On the eleventh of February he introduced his celebrated COMPROMISE BILL, providing for a gradual reduction of duties until 1842, when 20 per cent. at a *home* valuation should be the rate, "until otherwise regulated by law."

Mr. Clay introduced this bill with some pertinent and impressive remarks, in which he deplored the distracted and portentous condition of the country, and appealed strongly to the patriotism and good sense of Congress to apply a remedy. The bill underwent a long and vehement discussion. None could deny the purity and loftiness of the motives which had led to its presentation; but it was vehemently opposed by many. Mr. Smith, of Maryland, opposed it, because "it contained nothing but protection from beginning to end." Mr. Forsyth exulted over the admission, which had been made by Mr. Clay, that "the Tariff was in danger." "It is," said Mr. F., "at its last gasp—no hellebore can cure it." The Southern members opposed the bill mainly because it provided for a home valuation.

Towards the close of the debate, a personal difficulty arose between Mr. Poindexter, of Mississippi, and Mr. Webster. The former, in the course of his reply to a very powerful attack from Mr. Webster upon the Compromise Bill of Mr. Clay, made reference to the course of Mr. W., during the war of 1812. Mr. Webster declined all explanation, and Mr. Poindexter immediately declared that he "felt 'the most perfect contempt for the Senator from Massachusetts.'" Mr. Clay interfered, with his usual generosity, and in a few remarks, complimentary alike to both Senators, effected a mutually satisfactory explanation.

Mr. Clay had conceived the idea of the Compromise in Philadelphia in December, 1832, when he was passing a few weeks with his brother-in-law, the late James Brown, Esq. who had fixed his residence in that city, after his mission to France. The reflection of Gen. Jackson to the Presidency had been made known the month before, and Mr. Clay had commenced his journey from Ashland to Washington not in the best spirits but resolved to do his duty. Jackson's power was then at its zenith. He had vetoed the charter of the Bank of the United States. He was triumphantly reflected. His power seemed resistless. Nevertheless, Mr. Clay was resolved to fight on, and to fight to the last.

He believed the President insincere in his professions of attachment to the Protective policy; that, under the delusive name of a judicious Tariff, he concealed the most deadly and determined hostility to the Protection of American Industry. Mr. Clay saw the partisans of "free trade" supporting Gen. Jackson, with the greatest zeal; and *knew* that some of them counted upon subverting the whole system through the power and influence of that arbitrary

chief magistrate. He saw many of the members of Congress from States known to be friendly to the preservation of that policy, yet willing to go secretly, if not openly, as far as they dared go in asserting the overthrow of that policy.

In the mean time Nullification had assumed a threatening aspect. The supporters of that heresy had gone so far that, if no change in the Tariff took place, they must fight or be forever disgraced. Mr. Clay thought that if a Civil War were once begun it might extend itself to all the Southern States, which, although they did not approve of Nullification, would probably not be willing to stand by and see South Carolina crushed for extreme zeal in a cause, which was common to them all.

Such were the circumstances, under which, during the leisure Mr. Clay enjoyed with his friend, Mr. Brown, in Philadelphia, he directed his mind to the consideration of some healing scheme for the existing public troubles.

The terms of the Compromise Act substantially as it passed, were the result of Mr. Clay's reflections at that time. He communicated them to his friend, the lamented Senator Johnston, from Louisiana, who concurred with him heartily. A Committee of Manufacturers, consisting of Messrs. Bovie, Dupont, Richards and others, waited on Mr. Clay in Philadelphia, to consult with him on the impending dangers to the Protective policy. To them he broached his scheme, and they approved it. He mentioned it to Mr. Webster in Philadelphia, but that distinguished Senator did not agree with him. On reaching Washington, Mr. Clay communicated it to many practical Manufacturers; to Hezekiah Niles, Mr. Simmons of the Senate, from Rhode Island, and others. They agreed with him; and every practical Manufacturer of that day with whom he conversed (except Mr. Ellicott, of Maryland,) assented to the project. Most of their friends in Congress, especially in the Senate, followed their example. The chief opposition, it was thought, was to be traced to Mr. Webster and gentlemen who had a great deference for the opinion of the Massachusetts Senator.

Mr. Clay's own convictions being thus strengthened by the opinions of practical men, he resolved to proceed. He had no interviews with Southern Members on the subject of the contemplated proposal, until he had prepared and was about to submit the bill; at which time, he had one or two interviews with Mr. Calhoun, at Mr. Clay's lodgings. But through his friend, Governor Letcher of Kentucky, who was intimate with Mr. McDuffie and other Southern gentlemen, Mr. Clay ascertained their views. He found one highly favorable state of feeling—that they were so indignant with General Jackson for his Proclamation, and his determination to put down the Nullifiers by force if necessary, that they greatly preferred the difficulty should be settled rather by Mr. Clay than by the Administration.

Mr. J. M. Clayton of Delaware entered with great zeal into the views of Mr. Clay, and seconded his exertions with untiring, able, constant and strenuous endeavors. Often he would say to him, looking at Mr. Calhoun and other members from South Carolina, "Well, Clay, these are clever fellows, and it won't do to let old Jackson hang to— We must

save them if possible." Mr Clayton belonged to a *mess* of seven or eight Senators, every one of whom was interested in the preservation of the protective policy. Without their votes, it was impossible that the Compromise should pass. They, through Mr. Clayton, insisted upon the home valuation, as a *sine qua non*, from which they would never depart. Mr. Clay told them that he would not give it up; and the Compromise Bill never could have passed without that feature of it.

The Southern Senators had declared that they would be content with whatever would satisfy the South Carolina Senators. Mr. Calhoun had manifested strong objections to the home valuation. Mr. Clay told him that he must concur in it, or the measure would be defeated. Mr. Calhoun appeared very reluctant to do so; and Mr. Clay went to the Senate on the day when the Bill was to be decided, uncertain as to what its fate would be. When the bill was taken up, Mr. Calhoun rose in his place and agreed to the home valuation, evidently, however, with reluctance.

Two great leading motives operated with Mr. Clay in bringing forward and supporting his measure of Compromise. The first was, that he believed the whole protective policy to be in the most imminent peril from the influence of Gen. Jackson and the dominion of his party. He believed that it could not possibly survive that session of Congress or the next, which would open with a vast increase of that influence and power. He had seen the gradual but insidious efforts to undermine the policy, sometimes openly avowed, frequently craftily concealed. He had seen that a bill was actually introduced by Mr. Verplanck, and then pending in the House of Representatives, which would have utterly subverted the whole policy. He knew, or believed, that there was a majority in the House, willing, although afraid to pass the bill. Witnessing the progress of that party, he did not doubt, that at the next session at least, they would acquire strength and courage sufficient to pass the bill. He could not contemplate the ruin, distress and destruction, which would ensue from its passage, without feelings of horror. He believed that the Compromise would avert these disasters, and secure adequate protection until the 30th June, 1842. And he hoped, that in the mean time the public mind would become enlightened, and reconciled to a policy, which he had ever believed essential to the national prosperity. *But for the partial experiments, which were made upon the currency of the country, leading to the utmost disorder in the exchanges, and the business of society, it is yet the belief of Mr. Clay and his friends, that the measure of Protection secured by the Compromise Act up to the 31st December, 1841, would have enabled our Manufacturers to have flourished and prospered.*

Another leading motive with Mr. Clay, in proposing the Compromise, was *to restore harmony, and preserve the Union from danger; to arrest a civil war, which, beginning with South Carolina, he feared might spread throughout all the Southern States.*

It may be added, that a third and powerful motive, which he felt intensely, although he did not always avow it, was *an invincible repugnance to placing under the command of General Jackson*

such a vast military power as might be necessary to enforce the laws and put down any resistance to them in South Carolina, and which might extend he knew not where. He could not think, without the most serious apprehensions, of entrusting a man of his vehement passions with such an immense power. He could not think without feelings of indescribable dread, of the effusion of blood, the danger to the Union, and the danger to the liberties of all of us, which might arise from the application of such a force in the hands of a man already too powerful, and flushed with recent victory.

It may be farther added, that Mr. Clay thought he perceived, *with some a desire to push matters to extremity.* He thought he beheld a disposition to see South Carolina and the South punished. Indeed the sentiment was more than once expressed to him: "Let them put down the Tariff—let them bring ruin, 'embarrassment and distress on the country—the country will rise with renewed vigor. We shall have the policy, which we wish to prevail, firmly 'and inviolably fixed.'" He thought even that he perceived a willingness that the effect produced by the memorable Hartford Convention at the North, should be neutralized by the effect, which might arise out of putting down by force the nullification of South Carolina. He could not sympathize in these feelings and sentiments. He was for peace, for harmony, for union, and for the preservation too of the Protective System. He no more believed then than now, that Government was instituted to make great and perilous experiments upon the happiness of a free people—still less experiments of blood and civil war.

After the introduction of the bill of Compromise and its reference to the Committee, predictions of the failure of the measure were confidently put forth. Even in the committee-room it was asserted, that there was no chance for its passage; and Members rose from their places with the intention of leaving the room, without agreeing upon any report. Mr. Clay said to them, with decision and firmness: "Gentlemen, this bill has been referred to us, and it is our duty to report it, in some form or other, to the Senate—and it *shall* be reported." Some slight amendments were agreed upon, and the bill was reported. Its subsequent fate is known.

In bringing about the adoption of the measure, Messrs. Clayton and Letcher are entitled to the most liberal praise, as the efficient coadjutors of its author.

The private history of the Compromise Act remains yet to be written. Should it ever be given to the world, it will throw new lustre upon the patriotic and self-sacrificing character of Mr. Clay. It will exhibit in a still stronger light his disinterestedness—his devotion to country—his elevation above all selfish impulses and personal ends—his magnanimity, and his generous intrepidity of spirit.

The Compromise Bill passed the House February 26th, 1833, by a vote of 120 to 84. It passed the Senate the ensuing first of March by a vote of 29 to 16—Mr. Webster voting against it. Mr. Clay was now once more hailed as the preserver of the Republic—as the great Pacificator. The dark, portentous cloud, big with civil discord and disunion, which had been hanging over the country, rolled away and was scattered. The South and the North were reconciled; and confidence and prosperity were restored. Is not

such a civic triumph worth all the pæans ever shouted in the ears of a military conqueror? It placed Mr. Clay in a commanding and elevated position—and drew upon him the eyes of the whole Nation as a liberal, sound and true-hearted statesman, in whose hands the interests of all sections would be safe.

The act was characteristic of his whole public career. The only horizon which bounds his political vision is the horizon of his country. There is nothing small, narrow, sectional in his views, interests or hopes. North, South, East and West—they are all equally dear to him. Kentucky—noble Kentucky—where he is cherished and honored as such a Statesman and Patriot ought to be cherished and honored by such a gallant and generous constituency—he regards with the attachment and devotion, with which no generous nature can fail to be inspired for the soil where his first honors were won, the early theatre of his fame and its fruition—the home of his hopes and his heart. But he looks abroad from the State of his adoption, and down from the pinnacle of his elevation—and there lie Massachusetts, and New-York, and the Old Dominion, proud of the blended honors of their Lexington, Saratoga and Yorktown, radiant with the common glories of their Adamses, Hamiltons and Washingtons—and he feels that in these glories and honors—in those traditions and records of achievements—in the fame of those illustrious men, he has himself an equal inheritance with any of their children. The influence of this noble, national spirit pervades the whole of Mr. Clay's public career, and is stamped upon all those great measures by which, in moments of exigency and darkness, he has revived the desponding hopes and retrieved the sinking fortunes of the Union.*

In the autumn of 1833, Mr. Clay, accompanied by his lady, fulfilled a design which he had long contemplated, of visiting the Eastern cities. His journey was one continued ovation. Arriving at Baltimore early in October, he was waited upon by thousands of citizens, who came to pay their tribute of gratitude and respect. At Philadelphia he was received at the Chestnut-street wharf by an immense concourse of people with enthusiastic huzzas, and conducted to the U. S. Hotel by his friend John Sergeant. Arriving at New-York he was escorted to his lodgings by a large procession of gentlemen on horseback; and all parties seemed to unite in their testimonials of welcome. A special meeting of the Board of Aldermen was held, and the Governor's room in the City Hall appropriated to his use, where he was visited by a constant succession of citizens. At Newport and Providence he was greeted with every possible demonstration of welcome and admi-

ration; and on reaching Boston he was met and conducted to the Tremont House by a very numerous cavalcade.

At all these cities, and many others on his route, he received pressing invitations to public dinners; but being accompanied by his family, he had, on leaving Kentucky, prescribed to himself the rule, to which he rigidly adhered, of declining all such invitations. By all classes in New England, and particularly by the manufacturing population, Mr. Clay was received as a friend and benefactor. The cordiality of his welcome showed that his motives in originating the Compromise Act had been duly appreciated by those who were most deeply interested in the preservation of the American System. He visited many of the manufacturing towns, and on all occasions met with a reception which indicated how strongly the affections of the People were enlisted in his favor. At Faneuil Hall and on Bunker Hill, he received Addresses from Committees, to which he replied in his usual felicitous manner. While at Boston, a pair of elegant silver pitchers, weighing one hundred and fifty ounces, were presented to him by the young men. A great crowd was present; and Mr. Clay, though taken by surprise, spoke for about half an hour in a manner to enchant his hearers. The following apposite Toast was offered by one of the young men on the occasion: "Our Guest and Gift—our Friend and Pitcher!"

While at Salem, Mr. Clay attended a lecture at the Lyceum, when the audience, numbering about twelve hundred persons, spontaneously rose, and loudly greeted him on his entrance. On the fourth of November, he left Boston with his family on his return journey. He took the route through Massachusetts to Albany, passing through Worcester, Hartford, Springfield, Northampton, Pittsfield, &c. and being every where hailed by a grateful People with every demonstration of heartfelt attachment and reverence.

At Troy and Albany, the manifestations of popular attachment were not less marked than in Massachusetts. In both places the People rose up as one man to do him honor; and at both places he made replies to the addresses presented to him, which are excellent specimens of his familiar style of eloquence. The multitudes of citizens who met, followed and waited upon him at every point, in rapid succession, indicated how large a space he occupied in the public heart. As he said in one of the numerous speeches which he was called upon to make, during his tour, "he had been taken into custody, 'made captive of, but placed withal in such delightful bondage, that he could find no strength and no 'desire to break away from it.'"

The popular enthusiasm did not seem to have abated as he returned through those cities which he had but recently visited. On his way to Washington, he was met at New-York, Newark, Trenton, Philadelphia, Wilmington and Baltimore, by delegations of citizens, whose attentions rendered his progress one of triumphal interest. He reached the Seat of Government in season to be present at the opening of Congress.

* The following passage is an extract from a speech delivered by John Tyler in the Virginia House of Delegates, in 1839, in favor of the Distribution of the Proceeds of the Public Lands, as recommended by the Kentucky Statesman:

"In my deliberate opinion, there was but one man, who could have arrested the then course of things, (the tendency of Nullification to dissolve the Union,) and that man was HENRY CLAY. It rarely happens, Mr. Speaker, to the most gifted, and talented, and patriotic, to record their names upon the page of history, in characters indelible and enduring. But, sir, if to have rescued his country from civil war—if to have preserved the Constitution and Union from hazard and total wreck, constitute any ground for an immortal and undying name among men, then I do believe, that he has won for himself that high renown. I speak what I do know, for I was an actor in the scenes of that perilous period. When he rose in that Senate Chamber, and held in his hand the Olive Branch of Peace, I, who had not known what envy was before, envied him. I was proud of him as my fellow-countryman, and still prouder that the *Slaves of Hanover*, within the limits of my old District, gave him birth."

CHAPTER XII.

The Public Lands—Anecdote—Mr. Clay's Report—Its provisions—Passage of the Land Bill—It is Vetoed by Gen. Jackson—Right of the Old States to a share in the Public Domain—Mr. Clay's efforts—Adjustment of the question—Mr. Van Buren's Nomination as Minister to England—Opposed by Mr. Clay.

MR. CLAY'S course in regard to the Public Lands presents a striking illustration of his patriotic disinterestedness and self-sacrificing devotion to the cause of justice. The characteristic traits which he displayed upon this question remind us of an anecdote of him, related a few years since by that eminent Statesman and high-minded Whig, William C. Preston, in a speech at Philadelphia. "On one occasion," said Mr. P. "he did me the honor to send 'for and consult with me. It was in reference to a 'step' he was about to take, and which will, perhaps, come to your minds without more direct allusions. After stating what he proposed, I suggested 'whether there would not be danger in it—whether 'such a course would not injure his own prospects, 'as well as those of the Whig party in general?'—'His reply was—'I did not send for you to ask what 'might be the effects of the proposed movement on 'my prospects, but whether it is right. I WOULD 'RATHER BE RIGHT, THAN BE PRESIDENT.'"

On the twenty-second of March, 1832, Mr. Bibb, of Kentucky, moved an inquiry into the expediency of reducing the price of the Public Lands. Mr. Robinson, of Illinois, moved a further inquiry into the expediency of transferring the Public Territory to the States within which it lies, upon reasonable terms. With the view of embarrassing Mr. Clay, these topics were inappropriately referred by the Administration party to the Committee on Manufactures, of which he was a member. It was supposed by his enemies that he would make a "bid for the Presidency," by favoring the interested States at the expense of justice and sound policy. But he did not stop to calculate the consequences to himself. He did not attempt to evade or defer the question. He met it promptly. He expressed his opinions firmly and boldly; and those opinions, thus expressed, wise, equitable, conclusive, were immediately seized upon for the purpose of breaking him down in the New States. The design had been to embarrass him by holding out the alternative of baffling the cupidity of a portion of the People of the West, or shocking the sense of justice and invading the rights of the Old States—to injuriously affect his popularity either with the New or the Old States, or with both. But when was Henry Clay known to shrink from the responsibility of an avowal of opinion upon a question of public moment? In about three weeks after the matter was referred to the Committee, he presented to Congress a most luminous, able and conclusive Report, and in the *Enl* appended to it arranged the details of a wise and equitable plan, which no subsequent legislation was able to improve.

Mr. Clay regarded the National Domain in the light of a "common fund," to be managed and disposed of for the "common benefit of all the States." This property, he thought, should be prudently and providently administered; that it should not be

wantonly sacrificed at inadequate prices, and that it should not be unjustly abandoned, in violation of the trust under which it was held, to a favored section of the country. These principles were the basis of his Bill, which provided—

I. That after the thirty-first day of December, 1832, twelve and a half per cent. of the nett proceeds of the Public Lands, sold within their limits, should be paid to Ohio, Indiana, Illinois, Alabama, Missouri and Mississippi, over and above what these States were severally entitled to by the compacts of their admission into the Union; to be applied to Internal Improvements and purposes of Education within those States, under the direction of their Legislatures—independently of the provisions for the construction and maintenance of the Cumberland Road.

II. After this deduction, the nett proceeds were to be distributed among the (then) twenty-four States, according to their respective Federal Representative population; to be applied to such objects of Internal Improvement, Education, or Colonization, as might be designated by their respective Legislatures, or the reimbursement of any previous debt contracted for Internal Improvements.

III. The act to continue in force for five years, except in the event of a war with any foreign power; and additional provisions to be made for any new State that might be meanwhile admitted to the Union.

IV. The minimum price of the public lands not to be increased; and not less than \$80,000 per annum to be applied to complete the public surveys.

V. Land offices to be discontinued in districts where for two successive years the proceeds of sales should be insufficient to pay the salaries of the officers employed.

VI. That certain designated quantities of land should be granted to six of the new States, not to be sold at a less price than the minimum price of lands sold by the United States, to be applied to Internal Improvements.

Such were the simple and just provisions of the Land Bill of Mr. Clay. To the new States they were abundantly liberal, without violating the terms of the original cession by the old States; for the money laid out in the new States for Internal Improvements subject to the use of the United States, may be justly regarded as for the "common benefit" of the Union.

The introduction of the report and bill created no little surprise and excitement in the Senate. It was hardly expected of a candidate for the Presidency, that he should have so promptly and peremptorily rejected the opportunity, thus temptingly presented, of bidding for the votes of the new States by holding out the prospect at least of aggrandizement. But on this subject, as on all others, Mr. Clay took the broad national ground. He looked at the question as a statesman, not as a politician. He suffered no individual inducements to influence his opinions or his policy. His paramount sense of duty; his habitual sense of the sacredness of compacts; his superiority to local, sectional, and personal considerations, were never more conspicuously and more honorably manifested than on this occasion.

The Land Bill was made the special order for the 20th of June, when it was taken up by Mr. Clay,

* His Speech on Slavery, and the reception of Abolition petitions.

and advocated with his usual eloquence and ability. Mr. Benton replied. His policy was to reduce the price of a portion of the Public Lands, and to surrender the residue to the States in which they lie. It would have given to the State of Missouri 25,000,000 of acres, or about 160 acres to every individual in the State, black and white; while the State of New-York, by whose blood and treasure, in part, this great Domain was acquired, would have been cut off without an acre! Various motions were made in the Senate for the postponement and amendment of Mr. Clay's bill. The policy of reducing the price was urged with great pertinacity by the friends of the Administration; but the objections of the report to this policy were justly regarded as unanswerable and insurmountable; and, on the third of July, the bill, essentially in the same form as reported, received its final passage in the Senate by a vote of 20 yeas to 18 nays. The late period of the session at which it was sent to the House, and the conflict of opinion in that body in respect to some of its provisions, enabled the Administration to effect its postponement to the first Monday of the following December, by a vote of 91 yeas to 88 nays.

This, of course, was equivalent to its rejection. But such were the wisdom and obvious equity of its provisions, and so highly did it commend itself to the good sense of the people, that the Administration party was compelled to yield to the uncontrollable force of public opinion. At the next session, therefore, of Congress, the bill was again taken up, and passed the Senate by a vote of 24 to 20, and the popular branch by a vote of 96 to 40. It was sent to the President for his approval.

Notwithstanding the unprecedented favor which it had found among the immediate Representatives of the people, it was "trampled," as Mr. Benton subsequently boasted, under the "big foot of President Jackson." The dissolution of Congress, before the expiration of the constitutional term for which he was authorized to retain the bill, enabled that self-willed and despotic Chief Magistrate to defeat the obvious will of the people. If it had been returned to Congress at the session of its passage it would have become a law by a two-thirds vote. It was therefore withheld, and, at the next session, on the 5th of December, 1833, was sent back with the veto of the President; and the veto, as we have every reason to believe, sprang from the personal hostility of General Jackson toward the author of the Land Bill, and an apprehension that it would augment the popularity of a rival, whom he feared and hated.

The principles of the Veto Message accorded with those which had been already promulgated by Mr. Benton. General Jackson declared himself in favor of reducing the price of a portion of the Public Lands and of surrendering the residue to the States in which they lie; and withdrawing the machinery of our land system. He objected to Mr. Clay's plan of giving an extra 12½ per cent. of the proceeds of the sales within their own limits to the new States, as an "indirect and undisguised violation of the pledge given by Congress to the States before a single cession was made; abrogating the condition on which some of the States came into the Union; and setting at naught the terms of cession spread upon the face of every grant under which the title of the

portion of the Public Lands are held by the Federal Government." Such were the shocking violations of principle and compact, involved in the limited and equitable grant to the new States, contemplated by the bill of Mr. Clay; and yet we were gravely told by General Jackson, in the same breath, that to sell the lands for a nominal price—to withdraw the land machinery of the Government altogether—to abandon the lands—to surrender the lands—to give them to the States in which they lie—"impaired no principle and violated no compact." It was a gross violation of compact—it was a flagrant outrage upon principle, to surrender a part—but the outrage was repaired, and the compact kept inviolate by an abandonment of the whole! Such was the reasoning of the Veto Message!

General Jackson had been obliged to change his grounds on this question, in order to thwart the views of Mr. Clay. In his Annual Message of December 4, 1832, he had recommended a measure fundamentally similar. But the measure now presented to him, though it had passed Congress by triumphant majorities, had been suggested, although not voluntarily, by an individual who shared no part in his councils or his affections—by one, whom he had ungenerously injured, and whom he therefore disliked. He preferred the gratification of his malevolence to the preservation of his consistency. The consequence was his arbitrary retention of the bill, by an irregular and unprecedented proceeding, and his subsequent veto.

The right of the old States to the Public Domain is the right of conquest and of compact. Those lands were won by the blood and treasure of the thirteen Provinces. Their title deeds were signed, sealed and delivered on the plains of Yorktown. When the clouds of the Revolution had rolled away, and the discordant elements of the Confederation were taking the shape and system of our present glorious Constitution—the sages and soldiers of liberty assembled for the establishment of a more perfect union. To realize this grand end of their labors, they recommended to the thirteen States to make a common cession of their Territories to the Federal Government; that they might be administered for their common benefit, and stand as a pledge for the redemption of the Public Debt. Patriotic Virginia, following the wise councils of her Washingtons, Henrys and Jeffersons, surrendered without a murmur her boundless domain—now the seat of numerous new States, and still stretching thousands of leagues into the unsurveyed and uninhabited wilderness. Her sister States, though they had less to surrender, surrendered all that they possessed; and in return for this liberal and patriotic abandonment of local advantages for the common good, the Congress of the United States pledged itself by the most solemn compact to administer this vast Domain for the common benefit of its original proprietors, and of such new States as should thereafter be admitted to the Union.

The 2d of May, 1834, Mr. Clay made a report from the Committee on Public Lands, in relation to the President's return of the Land Bill. In this paper he exposes with great ability the inconclusiveness of the President's reasons. For some ten years, Mr. Clay was the vigilant, laborious, and finally successful opponent of the monstrous project of the admin-

istration forsquandering the Public Domain and robbing the old States. To his unremitted exertions we shall have been indebted for the successive defeats of the advocates of the plunder system, and for the final adjustment of the question according to his own equitable propositions. By this adjustment, all sections of the country are treated with rigid impartiality. The interest of no one State is sacrificed to that of the others. The West, the North, the South and the East, all fare alike. A more wise and provident system could not have been devised. It will stand as a perpetual monument of the enlarged patriotism, unerring sagacity, and uncompromising justice of its author.

The question of confirming Mr. Van Buren's nomination as Minister to England, came before the Senate during the Session of 1831-2. The conduct of that gentleman while Secretary of State, in his instructions to Mr. McLane, had excited general displeasure. Not content with exerting his ingenuity to put his own country in the wrong and the British Government in the right, Mr. Van Buren had endeavored to attach to Mr. Adams's administration the discredit of bringing forward unfounded "pretensions," and by himself disclaiming those pretensions, to propitiate the favor of the British King. Upon the subject of the Colonial Trade, he said: "*To set up the acts of the late Administration, as the cause of a forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility.*"

The parasitical, anti-American spirit displayed throughout these celebrated instructions, constituted a sufficient ground for the rejection of Mr. Van Buren's nomination. Mr. Clay's personal relations toward that individual had always been of a friendly character, but he did not allow them to influence his sense of public justice. He addressed the Senate emphatically against the nomination, declaring that his main objection arose out of the instructions; the offensive passages in which he quoted.

"On our side," said he, "according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but *claims and pretensions*; the British Government asserted on the other hand a clear and incontestible *right*. We erred in too tenaciously and too long insisting upon our *pretensions*, and not yielding at once to their *just demands*. And Mr. McLane was commanded to avail himself of all the circumstances in his power to *mitigate our offence*, and to dissuade the British Government from allowing their feelings justly incurred by the past conduct of the party driven from power, to have an adverse influence toward the American party now in power. Sir, was this becoming language from one independent nation to another? Was it proper in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American Eagle before the British Lion?"

The nomination of Mr. Van Buren was rejected in the Senate by the casting vote of the Vice President, Mr. Calhoun. It has been said that this act was a blunder in policy, on the part of the Opposition in the Senate—that it made a political martyr of a wily and intriguing antagonist, and commended

him to the sympathy and vindictory favor of his party. All this may be true; but it does not affect the principle of the measure. Mr. Clay did not lack the sagacity to foresee its probable consequences; but, where the honor of his country was concerned, expediency was with him always an inferior consideration.

CHAPTER XIII.

The Currency Question—Gen. Jackson's "humble efforts" to Improve our Condition—Recharter of the U. S. Bank, and the President's Veto—Mr. Clay's Speech upon the subject—Character of the Veto Power—Removal of the Deposits—Secretaries Duane and Taney—Mr. Clay's relations toward the Bank—His Resolutions in regard to the Removal of the Deposits—His Speech—Anecdote—Passage of Mr. Clay's Resolutions—The Protest—Its Doctrines—Eloquent Debates in the Senate—Mr. Leigh—Interesting Incident—The Protest Excluded from the Journal—Unremitted exertions of Mr. Clay—Public Lectures—Memorials—Forcible Comparison—The Panic Scrupled—Anecdote—Mr. Clay's Departure for Kentucky—Serious Accident.

For the last twelve years the country has been kept in a fever of perpetual excitement, or in a state of alternate paralysis and convulsion, by the agitation of the Currency question. General Jackson found us in 1829 in a condition of general prosperity. The Government was administered with Republican economy. The Legislature, the Judiciary and the Executive, every one wielding its constitutional powers, moved on harmoniously in their respective spheres; and the result was a system that secured the happiness of the people and challenged the admiration of the civilized world. Commerce, agriculture, manufactures and the mechanic arts flourished; lending mutual aid, and enjoying a common prosperity, fostered by the Government and diffusing blessings among the community. The banking system was sound throughout the States. Our currency was uniform in value, and the local banks were compelled to restrict their issues to their ability of redemption in specie. There was no wild speculation. Industrious enterprise was the only source of fortune. Labor was amply employed, abundantly compensated, and safe in the enjoyment of its wages. The habits of the people were simple and democratic. Our foreign credit was without a stain, and the whole machinery of Government, trade and currency, had been brought to a state approaching the utmost limit to be attained by human ingenuity and human wisdom.

In 1830, Gen. Jackson commenced his "humble efforts" for improving our condition. He advised, in his message of that year, the establishment of a Treasury Bank, with the view, among other things, of "strengthening the States," by leaving in their hands "the means of furnishing the local paper currency through their own banks." This was his original plan, and in this message we hear nothing of a better currency, or the substitution of the precious metals for bank paper. In the following year he again brought the subject before Congress, and left it to the "investigation of an enlightened people and their representatives." The investigation took place; and Congress passed a bill for the recharter of the United States Bank. This bill was preemp torily vetoed by General Jackson, who condemned it as premature, and modestly remarked in regard to a Bank, "Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed."

Mr. Clay was one of the foremost in denouncing the extraordinary doctrines of this Veto Message. On the 12th of July, 1832, he addressed the Senate upon the subject. We have already given an exposition of his views upon the question of a Bank. They are too well known to the Country to require reiteration in this place. They have been frankly avowed on all fitting occasions. Touching the Veto power, that monarchical feature in our Constitution, his opinions were such as might have been expected from the leader of the Democratic Party of 1815. He considered it irreconcilable with the genius of a Representative Government; and cited the Constitution of Kentucky, by which, if after the rejection of a bill by the Governor, it shall be passed by a majority of all the members elected to both Houses, it becomes a law notwithstanding the Governor's objection.

The abuses to which this power has been subjected under the Administrations of Jackson and Tyler, call loudly for an amendment of the Federal Constitution. The veto of a single magistrate on a bill passed by a numerous body of popular Representatives, immediately expressing the opinion of all classes of the community, and all sections of the country, indicates obviously an enormous prerogative. It must so strike every one who has ever reasoned on Government. When the People of Paris called upon Mirabeau to save them from the grant of such a power, telling him that, if granted, all was lost, they spoke a sentiment that is as universal as the sense and spirit of Liberty. When we reflect that no King of England has dared to exercise this power since the year 1692, we cannot but feel that there must have been good reason in the jealousy of the People, and in the apprehension of the Crown. Mr. Burke, in his celebrated letter to the Sheriff of Bristol, observes, in reference to the exercise of this power by the King, that it is "wisely forborne. Its repose may be the preservation of its existence, and its existence may be the means of saving the Constitution itself, on an occasion worthy of bringing it forth." So high a power was it considered by Mr. Jefferson, that he was at one time decidedly in favor of associating the Judiciary with the Executive in its exercise.

It is in this light that the Veto power should be considered—as a most serious and sacred one, to be exercised only on emergencies worthy to call it forth. On all questions of mere opinion, mere expediency, the Representatives of the People are the best, as they are the legitimate judges.

The monstrous doctrine had been advanced by General Jackson, in his Veto Message, that every public officer may interpret the Constitution as he pleases. On this point Mr. Clay said, with great cogency:—"I conceive, with great deference, that the President has mistaken the purport of the oath to support the Constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws, of which the Constitution is the supreme; but must they obey them as they are, or as they understand them? If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the Constitution only as he understands it what would be the conse-

quence? There would be general disorder and confusion throughout every branch of Administration, from the highest to the lowest officers—universal Nullification."

During the Session of 1832-3, General Jackson declared that the Public Deposits were not safe in the vaults of the United States Bank, and called upon Congress to look into the subject and to augment what he then considered the "limited powers" of the Secretary of the Treasury over the Public Money. Congress made the desired investigation, and the House of Representatives, by a vote of 109 to 46, declared the Deposits to be perfectly safe. Resolved on gratifying his feelings of personal animosity toward the friends of the Bank, General Jackson did not allow this explicit declaration on the part of the immediate Agents of the People to shake his despotic purpose. During the Autumn of 1833, he resolved upon that most arbitrary of arbitrary measures, the removal of the Deposits. The Cabinet Council, to whom he originally proposed this measure, are said to have disapproved of it in the most decided terms. Mr. McLane, the Secretary of the Treasury, refused to lend to it his assistance. He was accordingly translated to the office of Secretary of State, made vacant by the appointment of Mr. Livingston to the French Mission; and William J. Duane of Philadelphia took his place at the Head of the Treasury Department. Mr. Duane, however, did not turn out to be the pliable tool which the President had expected to find him. On the 20th of September, 1833, it was authoritatively announced to the public that the Deposits would be removed. The next day Mr. Duane made known to the President his resolution, neither voluntarily to withdraw from his post nor to be made the instrument of illegally removing the Public Treasures. The consequence was, the rude dismissal of the independent Secretary from office on the 23d of September. Mr. Taney, who had sustained the views of the President, was made his successor; and the People's Money was removed from the Depository where the law had placed it, and scattered among irresponsible State Institutions under the control of greedy partisans.

The Congressional Session of 1833-4, was one of extraordinary interest, in consequence of the discussion of this high-handed measure.

In his Message to Congress, the President said: "Since the adjournment of Congress, the Secretary of the Treasury has directed the Money of the United States to be deposited in certain State Banks designated by him; and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject; and, some months before the removal, I urged upon the Department the propriety of taking the step." The 'reasons' adduced by Mr. Taney for lending his aid to the seizure of the Public Money, were such as might have been expected from an adroit lawyer. However satisfactory they might have been to General Jackson and his party, they were utterly insufficient to justify the act in the eyes of dispassionate and clear-minded men. Mr. Taney undertook to sustain his position by a precedent which he assumed to find in a letter addressed by Mr. Crawford, when Secretary of the

Treasury, to the President of the Mechanics' Bank of New-York. On the 19th of December, Mr. Clay introduced Resolutions into the Senate calling upon Mr. Taney for a copy of the letter, an extract from which he had cited in his Report.

In his remarks upon the occasion of presenting these Resolutions, Mr. Clay made some observations in regard to his own personal relations toward the Bank. An individual high in office had allowed himself to assert that a dishonorable connection had subsisted between him (Mr. C.) and that Institution. Mr. Clay said that when the Charter, then existing, was granted, he voted for it; and, having done so, he did not feel himself at liberty to subscribe, and he did not subscribe for a single share in the Stock of the Bank, although he confidently anticipated a great rise in its value. A few years afterward, during the Presidency of Mr. Jones, it was thought by some of his friends at Philadelphia, expedient to make him (Mr. C.) a Director of the Bank of the United States; and he was made a Director, without any consultation with him. For that purpose, five shares were purchased for him by a friend, for which he (Mr. C.) afterward paid. When he ceased to be a Director, a short time subsequently, he disposed of those shares; since which time he has never been proprietor of a single share.

When Mr. Cheves was appointed President of the Bank, its affairs in the States of Kentucky and Ohio were in great disorder; and Mr. Clay's professional services were engaged during several years for the Bank in those States. He brought a vast number of suits, and transacted a great amount of professional business for the Bank. Among other suits, was one for the recovery of \$100,000, seized under the authority of a law of Ohio, which he carried through the Inferior and Supreme Courts. He was paid by the Bank the usual compensation for these services and no more. No professional fees were ever more honestly and fairly earned. For upwards of eight years past, however, he had not been the counsel for the Bank. He did not owe the Bank, or any of its Branches, a solitary cent. Some twelve or fifteen years before, owing to the failure of a friend, a large amount of debt had been thrown upon Mr. Clay, as his endorser; and it was principally due to the Bank of the United States. Mr. Clay commenced a system of rigid economy—established for himself a *sinking fund*—worked hard, and paid off the debt without receiving from the Bank the slightest favor.

The resolutions of Mr. Clay, calling upon the Secretary of the Treasury for a copy of the letter, said to have been written by Mr. Crawford, passed the Senate; and on the 13th of December, a communication was received from Mr. Taney, the character of which was evasive and unsatisfactory. The Senate had asked for documents, and he gave them arguments. In reference to Mr. Crawford's opinions, Mr. Clay said, that although there was plausibility in the construction, which the Secretary had given to them, yet he, (Mr. Clay) would undertake to show that the opinions ascribed to Mr. Crawford in reference to the Bank Charter, were never asserted by him.

On the 26th of December, 1833, Mr. Clay laid the following resolutions before the Senate:

‘1. *Resolved*, That, by dismissing the late Sec-

retary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and Branches, in conformity with the President's opinion; and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States, not granted by the Constitution and Laws, and dangerous to the liberties of the people.

“2. *Resolved*, That the reasons assigned by the Secretary of the Treasury, for the removal of the money of the United States from the United States Bank and its Branches, communicated to Congress on the 3d day of December, 1833, are unsatisfactory and insufficient.”

Mr. Clay's speech in support of the resolutions was delivered partly on the 26th and partly on the 30th of December; and it is one of the most masterly efforts of eloquence ever heard within the walls of the Capitol. In force and amplitude of argument, variety and appropriateness of illustration, and energy of diction, it is equalled by few oratorical productions in the English language. During its delivery, the Lower House was almost deserted; and the galleries of the Senate Chamber were filled by a mutely attentive audience, whose enthusiasm occasionally broke forth in unparliamentary bursts of applause—a demonstration, which is rarely elicited except when the feelings are aroused to an extraordinary degree.

In his exordium, Mr. Clay briefly glanced at some of the principal usurpations and abuses of the Administration:

“We are,” said he, “in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure Republican character of the Government, and to the concentration of all power in the hands of one man. The powers of Congress are paralyzed, except when exerted in conformity with his will, by a frequent and extraordinary exercise of the Executive Veto, not anticipated by the founders of the Constitution, and not practised by any of the predecessors of the present Chief Magistrate. And, to cram them still more, a new expedient is springing into use, of withholding altogether bills which have received the sanction of both Houses of Congress, thereby cutting off all opportunity of passing them, even if, after their return, the members should be unanimous in their favor. The Constitutional participation of the Senate in the appointing power is virtually abolished by the constant use of the power of removal from office, without any known cause, and by the appointment of the same individual to the same office, after his rejection by the Senate. How often have we, Senators, felt that the check of the Senate, instead of being, as the Constitution intended, a salutary control, was an idle ceremony?”

“The Judiciary has not been exempted from the prevailing rage for innovation. Decisions of the tribunals deliberately pronounced have been contemptuously disregarded, and the sanctity of numerous Treaties openly violated. Our Indian relations, coeval with the existence of the Government, and recognized and established by numerous laws and treaties, have been subverted; the rights of the helpless and unfortunate aborigines trampled in the dust, and they brought under subjection to unknown laws, in which they have no voice, promulgated in an unknown language. The most extensive and most valuable Public Domain, that ever fell to the lot of one Nation, is threatened with a total sacrifice. The general currency of the country—the life-blood of all its business—is in the most imminent danger of universal disorder and confusion. The power of Internal Improve-

ment lies crushed beneath the Veto. The system of Protection of American Industry was snatched from impending destruction at the last session; but we are now coolly told by the Secretary of the Treasury, without a blush, 'that it is understood to be *conceded on all hands*, that a Tariff for Protection merely is to be finally abandoned.' By the 3d of March, 1837, if the progress of innovation continue, there will be scarcely a vestige remaining of the Government and its policy, as it existed prior to the 3d of March, 1829."

In the paper read to his Cabinet on the 18th of September, 1833, and afterwards published in the newspapers, but which he refused to communicate to the Senate, when called upon by them so to do, President Jackson is made to employ terms of blandishment toward his new Secretary of the Treasury, as if to gild the shackles of dictation imposed by Executive power in regard to the removal of the deposits. He says, he trusts that the Secretary will see in his remarks, "only the frank and respectful declarations of the opinions which the President has formed on a measure of great National interest, deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid, as ready to resist."

Mr. Clay very happily illustrates the hypocrisy of this deferential language. "Sir, it reminds me of an historical anecdote related of one of the most remarkable characters which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain or Ireland, (I do not now remember which,) he besieged a certain Catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor Catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper containing the terms was brought to Oliver, who, putting on his spectacles to read it, cried out: 'Oh, granted, granted! certainly! He, however, added—'but if one of them shall dare be found attending Mass, he shall be hanged!'"—(under which section is not mentioned—whether under a second, or any other section, of any particular law, we are not told.)"

After proving what is now notorious to the whole country, that the Removal of the Deposits was the act of General Jackson and of him alone, and that the Secretary of the Treasury was merely the *cat's-paw* in the accomplishment of the seizure, Mr. Clay proceeded to show that it was in violation of the Constitution and laws of the United States. His argument on this point is faithful and conclusive.

We regret that our limited space prevents us from quoting freely from this interesting speech. It contains a succinct history of all the financial exploits of General Jackson and his subservient Secretary up to the period of its delivery; and is as valuable for its documentary facts as it is interesting for the vigor and animation of its style, and the impregnability of its arguments.

The resolution declaring the insufficiency of the reasons assigned by the Secretary of the Treasury for the Removal of the Deposits, having been referred to the Committee on Finance, at the head of which was Mr. Webster, was reported with a recommendation that it be adopted. The question upon the resolution was not taken till the 28th of March,

when it was passed by the Senate, 28 to 18. At the instance of some of his friends, Mr. Clay then modified his other resolution, so as to read as follows:

"Resolved, That the President, in the late executive proceedings in relation to the Public Revenue, has assumed upon himself authority and power not conferred by the Constitution and Laws, but in derogation of both."

The resolution was adopted by the following vote:

YEAS—Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster—26.

NAYS—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Moore, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright—20.

The passage of Mr. Clay's resolution drew forth from the President the celebrated Protest, which was communicated to the Senate the 17th of April, 1833. This document was of a most novel and unprecedented character, and gave rise to debates, which will always be memorable in our legislative annals. The assumptions of the President were truly of a kind to excite alarm among the friends of our Republican system. In this extraordinary paper he maintains, that he is responsible for the acts of every Executive officer, and that *all* the powers given by law are vested in him as the head and fountain of all. He alludes to the Secretary of the Treasury as *his* Secretary, and says that Congress cannot take from the Executive the control of the Public Money. His doctrine is, that the President should, under his oath of office, sustain the Constitution as *he understands it*; not as the Judiciary may expound, or Congress declare it. From these principles, he infers that all subordinate officers are merely the executors of his supreme will, and that he has the right to discharge them whenever he may please.

These monstrous and despotic assumptions, transcending as they do the prerogatives claimed by most of the monarchs of Europe, afforded a theme for eloquent discussion, which was not neglected by the opposition, who then constituted the majority in the Senate. Mr. Poindexter, of Mississippi protested against the reception of such a paper from the President; and moved that it be not received. Mr. Sprague, of Maine, exposed its fallacies, and denounced its doctrines in spirited and indignant terms. The Senators from New-Jersey, Messrs. Frelinghuysen and Southard, expressed their astonishment and indignation in strong and decided language. Mr. Benton, "solitary and alone," stood forth as the champion of the President and the Protest.

The next day (April 18th) the consideration of Mr. Poindexter's motion was resumed; and Mr. Leigh, of Virginia, addressed the Senate for about two hours in a speech of rare ability. Toward its conclusion an unusual incident occurred. Mr. King, of Alabama, had claimed for the President the merit of adjusting the Tariff question. He might, with quite as much truth, have claimed for him the merit of writing the Declaration of Independence. Mr. Leigh, in reply to this assumption, spoke as follows:

"Sir, I cannot but remember, that during the anxious winter of 1832-3, when South Carolina, under a deep sense of injustice and oppression, (whether

well or ill founded, it is immaterial now to inquire,) was exerting her utmost efforts (no matter now whether wisely or not) to bring about a relaxation of the system—when all men were trembling under the apprehension of Civil War—*trembling from the conviction, that if such a contest should arise, let it terminate how it might, it would put our present institutions in jeopardy, and end either in Consolidation or Disunion—for, I am persuaded, that the first drop of blood which shall be shed in a civil strife between the Federal Government and any State, will flow from an immedicable wound, that none may hope ever to see healed*—I cannot but remember that the President, though wielding such vast power and influence, never contributed the least aid to bring about the compromise that saved us from the evils which all men, I believe, and I certainly, so much dreaded. The men are not present to whom we are chiefly indebted for that compromise; and I am glad they are absent, since it enables me to speak of their conduct as I feel, without restraint from a sense of delicacy—I raise my humble voice in gratitude for that service to Henry Clay of the Senate, and Robert P. Letcher of the House of Representatives—”

Here Mr. Leigh was interrupted by loud and prolonged plaudits in the gallery. The Vice President suspended the discussion, and ordered the galleries to be cleared. While the Sergeant-at-Arms was in the act of fulfilling this order, the applause was repeated. Mr. Benton moved that the persons applauding should be taken into custody; but before the motion could be considered, the galleries were vacated and order was restored.

On the 21st of April, another message was received from the President, being a sort of codicil to the Protest, in which he undertook to explain certain passages, which he feared had been misapprehended. Mr. Poindexter withdrew his original motion, and substituted four resolutions, in which it was embodied. These resolutions were modified by Mr. Clay, and an amendment suggested by Mr. Calhoun was adopted. Messrs. Clayton, Webster, Preston, Ewing, Mangum, and others, addressed the Senate eloquently on various occasions upon the subject of the Protest; and, on the 30th of April, Mr. Clay, the resolution of Mr. Poindexter still pending, made his well-known speech. Although the subject seemed to have been exhausted by the accomplished speakers who had preceded him, it was at once re-invested with the charms of novelty in his hands. The speech contains the most complete and faithful picture of Jacksonism ever presented to the country.

The Resolutions of Mr. Poindexter passed the Senate, by a vote of 27 to 16, on the seventh of May. They exclude the Protest from the Journals, and declare that the President of the United States has no right to send a Protest to the Senate against any of its proceedings.

On the twenty-eighth of May, 1834, Mr. Clay introduced two joint Resolutions, reasserting what had been already declared by Resolutions of the Senate, that the reasons assigned by the Secretary of the Treasury to Congress, for the Removal of the Public Deposits, were insufficient and unsatisfactory; and providing that, from and after the first day of July ensuing, all Deposits which might accrue from the Public Revenue, subsequent to that period, should be placed in the Bank of the United States and its Branches, pursuant to the 16th section of the Act to Incorporate the Subscribers to the United States Bank.

In presenting these Resolutions, Mr. Clay remarked that, whatever might be their fate at the other end of the Capitol or in another building, that consideration ought to have no influence on the course of the Senate. The Resolutions were adopted and sent to the House, where they were laid upon the table, and, as was anticipated, never acted upon.

The labors of Mr. Clay during the celebrated session of 1833-4, appear to have been arduous and incessant. On every important question that came before the Senate, he spoke, showing himself the ever-vigilant and active opponent of Executive usurpation. Immediately after the withdrawal of the Public Money from the United States Bank, and before the “Pet Banks,” to which the treasure had been transferred, had created an unhealthy plethora in the Currency by their consequent expansions, the distress among the People began to manifest itself in numerous memorials to Congress, protesting against the President's financial experiments, and calling for relief. Many of these memorials were communicated to the Senate through Mr. Clay, and he generally accompanied their presentation with a brief but pertinent speech. His remarks on presenting a memorial from Kentucky, on the twenty-sixth of February, 1834—and from Troy, the fourteenth of April—are eloquent expositions of the financial condition of the country at those periods. In his speech of the fifth of February, on a motion to print additional copies of the Report of the Committee on Finance, to whom had been referred the Report of the Secretary of the Treasury in regard to the Removal of the Deposits, we find the following just and forcible image:

“The idea of uniting thirty or forty local Banks for the establishment and security of an equal Currency could never be realized. As well might the crew of a national vessel be put on board thirty or forty bark canoes, tied together by a grape-vine, and sent out upon the troubled ocean, while the billows were rising mountain-high, and the tempest was exhausting its rage on the foaming element, in the hope that they might weather the storm, and reach their distant destination in safety. The People would be contented with no such fleet of bark canoes, with Admiral Tanev in their command. They would be heard again calling out for Old Ironsides, which had never failed them in the hour of trial, whether amidst the ocean's storm, or in the hour of battle.”

This session, generally known as the “Panic Session,” was one of the most remarkable that have ever occurred in the progress of our Government. Never was there collected in the Senate a greater amount of eminent ability. For weeks together the Whigs poured forth a torrent of eloquent denunciations, in every form, against that high-handed measure, the Removal of the Deposits. This was most generally done on the occasion of presenting petitions or memorials from the People against it. Go into the Senate Chamber any morning during this interesting period, and you would find some Whig on his feet, expatiating on the pernicious consequences of that most disastrous proceeding. It was then that they predicted the evil effects of it, since so fatally and exactly realized.

Mr. Clay was among the most active and eloquent of these distinguished champions of the People. No one exhibited so great a variety of weapons of attack upon the Administration, or so consummate a skill

in the use of them. Early in March, 1834, a Committee from Philadelphia arrived in Washington with a memorial from a large body of Mechanics, depicting the state of prostration and distress produced among all the laboring classes, by the high-handed and pernicious measures of the Administration. In presenting this memorial, Mr. Clay took occasion to deviate somewhat from the beaten track of debate. He made a direct appeal to the Vice President, Mr. Van Buren, charging him with the delivery of a message to the Executive. After glancing at the gloomy condition of the country, he remarked that it was in the power of the Chief Magistrate to adopt a measure which, in twenty-four hours, would afford an efficacious and substantial remedy, and re-establish confidence; and those who, in that Chamber, supported the Administration, could not render a better service than to repair to the Executive Mansion, and, placing before the Chief Magistrate the naked and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment.

"No one, Sir," continued Mr. Clay, turning to the Vice President, "can perform that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, Sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the President, you maintain with him no intercourse which I neither enjoy nor covet. Go to him and tell him without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding Country. Tell him it is nearly ruined and undone by the measures which he has been induced to put in operation. Tell him that his experiment is operating on the Nation like the philosopher's experiment upon a convulsed animal in an exhausted receiver; and that it must expire in agony if he does not pause, give it fresh and sound circulation, and suffer the energies of the People to be revived and restored. Tell him that in a single city more than sixty bankruptcies, involving a loss of more than fifteen millions of dollars, have occurred. Depict to him, if you can find language for the task, the heart-rending wretchedness of thousands of the Working Classes. Tell him how much more true glory is to be won by retracing false steps than by blindly rushing on until the country is overwhelmed in bankruptcy and ruin. Entreat him to pause."

In this strain Mr. Clay proceeded for nearly twenty minutes. Nothing could be more eloquent, touching and unanswerable than the appeal, although, of course, it failed of effect. "Well, Mr. Van Buren, did you deliver the message I charged you with?" asked Mr. Clay, as he met the Vice President in the Senate Chamber the next morning before the day's session had commenced.

The reply of Mr. Van Buren is not recorded. That gentleman, however, was never celebrated for his powers of repartee. During the period of his Vice Presidency, Mr. Clay dined with him on one occasion in company with the Judges of the United States Court, the Heads of Departments, and others. Conversation at dinner glanced at the fact that Tory Ministers, both in England and in France, were more disposed than Whig Ministers to do justice to the

United States, and deal liberally with them in all international negotiations. All the parties present agreed as to the fact; and turning suddenly to Mr. Van Buren, Mr. Clay said:—"If you will permit me, I will propose a toast." "With great pleasure," returned the Vice President. "I propose," said Mr. Clay, "*Tory Ministers in England and France, and a Whig Ministry in the United States.*" The toast was drunk with great cordiality by the company, Mr. Van Buren affecting to laugh, but blushing at the same time up to the eyes, and evidently nonplussed for a retort.

The message addressed by Mr. Clay to the Vice President recalls to mind another, which he requested the late Mr. Grundy to deliver to President Jackson. It was the last of February, 1833, when the Land Bill was pending. "Tell General Jackson," said Mr. Clay, "that if he will sign that bill I will pledge myself to retire from Congress and never enter public life again." Mr. Grundy, who was an amiable and remarkably good-natured person, said: "No, I can't deliver that message; for we may have use for you hereafter." This was, it will be remembered, at the session when the Compromise passed.

The First Session of the Twenty-Third Congress terminated the 30th of June, 1834, and Mr. Clay, after his prolonged and laborious exertions in behalf of the Constitution and the Laws, set out immediately on his journey home. As the stage-coach, in which he was proceeding from Charlestown toward Winchester in Virginia, was descending a hill, it was overturned, and a worthy young gentleman, Mr. Humrickhouse, son of the Contractor, was instantly killed by being crushed by the vehicle. He was seated by the side of the driver. Mr. Clay was slightly injured. The accident happened in consequence of a defect in the breast-chain, which gave way. On his arrival at Winchester, Mr. Clay was invited to a Public Dinner, which he declined, as well on account of his desire to reach home, as because of this melancholy accident, which disqualified him for immediate enjoyment at the festive board.

CHAPTER XIV.

Our Claims on France—Hostile tone of General Jackson's Message of 1834—Recommends Reprisals—Mr. Clay's Report on the subject—Discussion—Unanimous adoption of his Resolution—Effect of the Message—Speech on presenting the Cherokee Memorial—Executive Patronage—The Cumberland Road.

THE most important question which came before Congress at its Second Session, in 1834-5, was that of our Relations with France. The claims of our citizens upon that Government for aggressions upon our Commerce between the years 1800 and 1817 had been repeatedly admitted; but no decided steps toward a settlement had been taken until the 4th of July, 1831, when a Treaty was ratified, by which it was agreed, on the part of the French, that the sum of twenty-five millions of francs should be paid to the United States as an indemnity. By the terms of the Treaty, the first instalment was to be paid at the expiration of one year after the exchange of the ratifications.

The French Government having failed in the performance of this stipulation—the draft of the United States for the first instalment having been dishonored by the Minister of Finance—President Jackson, in

his Message of December, 1834, to Congress, recommended that, in case provision should not be made for the payment of the debt at the approaching Session of the French Chambers, a law should be passed authorizing reprisals upon French property. This was a step not to be precipitately taken; and, to insure its patriotic, dispassionate and statesman-like consideration, the Senate placed Mr. Clay at the head of the Committee on Foreign Relations, to which Committee that part of the President's Message relating to our affairs with France was referred.

On the 6th of January, 1835, Mr. Clay made his celebrated Report to the Senate. It was read by him from his seat, its reading occupying an hour and a half; the Senate Chamber being thronged during its delivery by Members of the House, and the galleries filled to overflowing. The ability displayed in this extraordinary document, the firmness and moderation of its tone, the perspicuous arrangement of facts which it presents, the lucidity and strength of its style, and the inevitable weight of its conclusions called forth the admiration and concurrence of all parties. It would seem to have been, under Providence, the means of averting a war with France. In the preparation of it, Mr. Clay had a difficult and delicate task to perform; and it was accomplished with great ingenuity and success. Not a word that could lower the national tone and spirit was indulged in. He eloquently maintained that the right lay on our side, but admitted that the French King had not been so far in the wrong that all hopes of the execution of the Treaty were extinct, nor did he consider that hostile measures were yet justifiable. This temperate, judicious, firm and statesman-like language, while it removed all cause of offence on the part of the French, imparted new renown to our own Diplomacy. While it was all that the most chivalrous champions of their Country's honor could ask, it breathed a spirit which called forth the full approbation of the friends of peace.

As soon as Mr. Clay had finished the reading of his Report, a discussion arose in the Senate as to the number which should be printed. Mr. Poindexter moved the printing of twenty thousand extra copies. Mr. Clay thought that number too large, and suggested five thousand. Mr. Calhoun said he should vote for the largest number proposed. He had heard the report read with the greatest pleasure. It contained the whole grounds which ought to be laid before the people. Of all calamities that could befall the country, he most deplored a French War at that time. Under these considerations he should vote for twenty thousand copies.

Mr. Ewing and Mr. Porter would vote for the largest number, and the latter would have preferred thirty or forty thousand.

Mr. Preston said he was strongly impressed by the views taken by the Committee, and considered them sufficient to satisfy the people that we could honorably and justly avoid war with France. Concurring in the sentiments of the Committee, and entertaining a profound respect for the wisdom exhibited in the Report, he was anxious that the document should be spread through the country as widely as possible.

The Senate finally ordered twenty thousand copies of this admirable report to be printed, and it was

soon scattered to the remotest corners of the Union. Its effect in reviving the confidence and allaying the fears of our mercantile community must be fresh in the remembrance of many. The rates of Insurance were at once diminished, and Commerce spread her white wings to the gale, and swept the ocean once more unchecked by the liabilities of a hostile encounter. The depression in business produced by the President's belligerent recommendation was at once removed.

The Report showed conclusively that the President's recommendation in regard to reprisals was premature, and unauthorized by the circumstances of the case; and that there had been a constant manifestation on the part of the Executive branch of the French Government of a disposition to carry the Treaty of indemnification into effect. The Committee expressed their agreement with the President, that the fulfilment of the Treaty should be insisted upon at all hazards; but they considered that a rash and precipitate course on our part should be sedulously avoided. They would not anticipate the possibility of a final breach by France of her solemn engagements. They limited themselves to a consideration of the posture of things as they then existed. At the same time, they observed that it could not be doubted that the United States were abundantly able to sustain themselves in any vicissitudes to which they might be exposed. The patriotism of the people had been, hitherto, equal to all emergencies, and if their courage and constancy, when they were young and comparatively weak, bore them safely through all past struggles, the hope might be confidently entertained now, when their numbers, their strength and their resources were greatly increased, that they would, whenever the occasion might arise, triumphantly maintain the honor, the rights and the interests of their country. The Committee concluded by recommending to the Senate the adoption of the following resolution:

"Resolved, That it is inexpedient at this time to pass any law vesting in the President authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the Treaty of 1831, during the present session of the French Chambers."

On the 14th of January, Mr. Clay, pursuant to previous notice, called for the consideration of the Report of the Committee on Foreign Relations, and its accompanying Resolution. It being expected that he would address the Senate, a large audience was in attendance, and, as soon as he was up, the other House was without a quorum. The question being upon agreeing to the resolution as reported, he spoke for nearly an hour, and his remarks were in the same moderate, magnanimous and truly American strain, which characterized his Report.

Mr. King, of Georgia, one of the Administration Members of the Committee on Foreign Relations, after bearing the strongest testimony to the candid and temperate character of Mr. Clay's Report, moved to give the Resolution such a modification as, without changing its substance, would obtain for it a unanimous vote. Mr. Clay accepted in part Mr. King's amendment, and also one that was offered by Mr. Webster; and the following resolution was at length UNANIMOUSLY PASSED by the Senate.

"Resolved, That it is inexpedient at present to

adopt any legislative measure in regard to the state of affairs between the United States and France."

The unanimous passage of this resolution, was a result as gratifying as it was unexpected; and its effect upon the French Chambers, in neutralizing the harsh language of the President, and hastening the execution of the Treaty was most auspicious. The praises of Congress and of the country, were liberally awarded to Mr. Clay for his judicious and conclusive Report in behalf of a pacific course.

The effect of the President's Message recommending reprisals and conveying an imputation upon the good faith of Louis Phillippe, was such as might have been anticipated. The French King was justly offended. The French Minister was at once recalled from Washington, and a *Chargé des Affaires* substituted. Passports were tendered to our Minister at Paris. In consequence of these developments, Mr. Clay, on the last day of the Session, made another and a briefer Report from the Committee on Foreign Relations, in which the committee expressed the opinion, that the Senate ought to adhere to the Resolution, adopted the 14th of January, to await the result of another appeal to the French Chambers; and, in the mean time, to intimate no ulterior purpose, but to hold itself in reserve for whatever exigencies might arise. The Senate concurred in the advice of the Committee, who were then discharged from the further consideration of the subject.

On the 4th of February, 1835, Mr. Clay made a brilliant and impressive speech in the Senate upon the subject of a memorial, which he presented from certain Indians of the Cherokee tribe. The memorial set forth in eloquent and becoming terms the condition of the tribe, their grievances and their wants. It seemed, that of the remnant of this people then in Georgia, one portion were desirous of being aided to remove beyond the Mississippi, and the other wished to remain where they were, and to be removed from the rigid restrictions which the State of Georgia had imposed upon them. In his remarks, Mr. Clay eloquently alluded to the solemn treaties by which the possession of their lands had been secured to these Indians by our Government. The faith of the United States had been pledged that they should continue unmolested in the enjoyment of their hunting-grounds. In defiance of these sacred stipulations, Georgia had claimed jurisdiction over the tribe—had parceled out their lands and disposed of them by lottery—degraded the Cherokees to the condition of serfs—denied them all the privileges of freedom, and rendered their condition infinitely worse than that of the African Slave. It was the interest as well as the pride of the master to provide for the health and comfort of his slave; but what human being was there to care for these unfortunate Indians?

As Mr. Clay warmed in his remarks, and dwelt, more in sorrow than in anger, upon the wrongs and outrages perpetrated in Georgia upon the unoffending aborigines within her borders, many of his hearers were affected to tears, and he himself was obviously deeply moved. The occasion was rendered still more interesting by the presence of a Cherokee Chief and a female of the tribe, who seemed to listen to the orator with a painfully eager attention. In conclusion, Mr. Clay submitted a resolution directing the Committee on the Judiciary to inquire into

the expediency of making farther provision by law to enable Indian Tribes, to whom lands had been secured by treaty, to defend and maintain their rights to such lands in the Courts of the United States; also, a resolution directing the Committee on Indian Affairs to inquire into the expediency of setting apart a district of country, west of the Mississippi, for such of the Cherokee Nation as were disposed to emigrate, and for securing in perpetuity their peaceful enjoyment thereof to themselves and their descendants.

The oppressed Aboriginal Tribes have always found in Mr. Clay a friend and a champion. Although coming from a State which, in consequence of the numerous Indian massacres of which it has been the theatre, has received the appellation of "the dark and bloody ground," he has never suffered any unphilosophical prejudice against the unfortunate Red Men to blind his sense of justice or check the promptings of humanity. He has constantly been among the most active vindicators of their cause—the most efficient advocates of a liberal policy towards them.

To General Jackson's administration we are indebted for the system which makes the offices of the Federal Government the rewards of political partisanship, and proscribes all incumbents who may entertain opinions at variance with those of the Executive. The Government of the United States disposes of an annual patronage of nearly forty millions of dollars. By the corrupt use of this immense fund, the Jackson dynasty sustained and perpetuated itself in spite of the People. Here was the secret of its strength. Commit what violence, outrage what principle, assail what interests he might, President Jackson threw himself back upon his patronage and found protection. The patronage of the Press, the patronage of the Post Office, the patronage of the Custom House, with its salaries, commissions and fees—the patronage of the Land Office, with its opportunities of successful speculation—these formed the stronghold and citadel of corrupt power.

On the eighteenth of February, 1835, Mr. Clay addressed the Senate in support of the bill for the Abatement of Executive Patronage. His speech contains a striking exposition of the evils resulting from the selfish and despotic exercise, on the part of the Chief Magistrate, of the appointing and removing power; and is pervaded by that truly democratic spirit which has characterized all the public acts of the author.

A bill making an appropriation for the Cumberland Road was discussed in the Senate early in February. Mr. Clay spoke in favor of the appropriation, but adversely to the policy of surrendering the Road to the States through which it runs.

CHAPTER XV.

Settlement of our French Affairs—Mr. Clay's Land Bill—His Speech—Passage of the Bill in the Senate—Abolition Petitions—Mr. Clay vindicates the Right of Petition—The Deposit Banks—Prediction—Independence of Texas—Various questions—Return to Kentucky—Re-elected Senator in 1836—State of the Country in 1839 and 1836—A contrast—Administration majority in the Senate—Mr. Calhoun's Land Bill—Opposition of Mr. Clay—Tariff—His two Compromises—The Specie Circular—Its Rescission—Benton's Expunging Resolution—Miscellaneous.

OUR affairs with France occupied a considerable portion of President Jackson's Message to the Twenty-Fourth Congress at its first session. Mr. Clay was again placed at the head of the Committee on Foreign Relations; and on the eleventh of January, 1836, he introduced a resolution to the Senate, calling upon the President for information with regard to our affairs with France, and for the communication of certain overtures made by the French Government. An additional resolution was presented by him two or three weeks afterward, calling for the communication of the exposé which accompanied the French Bill of Indemnity of the 27th of April, 1835; and also, copies of certain notes which passed between the Duc de Broglie and our Charge, Mr. Barton; together with those addressed by our Minister, Mr. Livingston, to the French Minister of Foreign Affairs, or to the Secretary of State of the United States. These resolutions were adopted, with amendments.

On the eighth of February, 1836, a Message from the President was received, announcing that the Government of Great Britain had offered its mediation for the adjustment of the dispute between the United States and France. The Message was referred to the Committee on Foreign Affairs; and on the twenty-second of February, a correspondence between the Secretary of State and Mr. Bankhead, on the subject of British mediation, was submitted. This gave occasion for some remarks from Mr. Clay, who said that he could not withhold the expression of his congratulation to the Senate, for the agency it had in producing the happy termination of our difficulties with France. If the Senate had not, by its unanimous vote of last September, declared that it was inexpedient to adopt any legislative action upon the subject of our relations with France; if it had yielded to the recommendations of the Executive in ordering reprisals against that power, it could not be doubted but that war would have existed at that moment in its most serious state.

Mr. Clay renewed his exertions in behalf of his Land Bill during this session. On the fourteenth of April, it was taken up in the Senate as the special order, and discussed nearly every day for a period of two weeks, during which he was frequently called upon to defend and explain its provisions. His speech of April 26th is remarkable for the vigor of its arguments and the force of its appeals. Of this effort, the National Intelligencer said: "We thought, 'after hearing the able and comprehensive arguments of Messrs. Ewing, Southard and White, in 'favor of this beneficent measure, that the subject 'was exhausted, that, at any rate, but little new 'could be urged in its defence. Mr. Clay, however, 'in one of the most luminous and forcible arguments which we have ever heard him deliver, 'placed the subject in new lights, and gave it new

'claims to favor. The whole train of his reasoning 'appeared to us a series of demonstrations."

The Land Bill, essentially the same as that vetoed by General Jackson, passed the Senate the fourth of May, 1836, by a vote of twenty-five to twenty; and was sent to the House. But the influence of the Executive was too potent here yet to admit of the passage of a measure which, though approved by the majority, was opposed by the President because of its having originated with Mr. Clay.

The question of the right of petition came before the Senate early in the session. On the 11th of January, Mr. Buchanan presented a memorial from a religious Society of Friends in Pennsylvania, requesting Congress to abolish Slavery and the Slave Trade in the District of Columbia. He moved that the Memorial should be read, and the prayer of the Memorialists be rejected. Mr. Calhoun demanded that the question should be first taken whether the petition be received or not; and a debate, which was prolonged at various intervals till the 9th of March sprang up on this preliminary question. Before the question was taken, Mr. Clay briefly explained his views. On the subject of the right of Congress to abolish Slavery in the District, he was inclined to think, and candor required the avowal, that the *right did exist*; though he should take a future opportunity of expressing his views in opposition to the expediency of the exercise of that power. He expressed his disapprobation of the motion to receive and immediately reject, made by the Senator from Pennsylvania (Mr. Buchanan.) He thought that the right of petition required of the servants of the people to examine, deliberate and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision; and that such was the best mode of putting an end to the agitation of the public on the subject.

The question "shall the petition be received?" being taken, was decided in the affirmative—yeas, 36; nays, 10.

Mr. Clay then offered an amendment to Mr. Buchanan's motion to reject, in which amendment the principal reason why the prayer of the Memorialists could not be granted are succinctly given. The amendment not meeting the views of some of his Southern friends was subsequently withdrawn by Mr. Clay, who maintained, however, that he could not assent that Congress had no Constitutional power to legislate on the prayer of the petition. The subject was at length laid on the table by a vote of twenty-four to twenty; but the friends of the *sacred, unqualified right of petition* should not forget that Mr. Clay has ever upheld their cause with his best energies and his warmest zeal.

A report from the Secretary of the Treasury, showing the condition of the Deposit Banks, came before the Senate for consideration the 17th of March, 1836. Mr. Clay forcibly depicted on this occasion the total insecurity of the vast public treasure in the keeping of these Banks. What was then prophecy became history soon afterwards. "Suppose," said he, "a great deficiency of southern crops, or any 'other crisis creating a necessity for the exportation of 'specie to Europe, instead of the ordinary shipments. 'These Banks would be compelled to call in their 'issues. This would compel other Banks to call in, 'in like manner, and a panic and general want of

'confidence would ensue. Then what would become of the public money?' It is unnecessary to point to the fulfilment of these predictions. Soon after the deposits were removed to the Pet Banks, they became the basis of vast land speculations, into which all who could obtain a share of the Government money, plunged at once heels over head; Postmasters; Custom-House officers, Navy Agents, Pet Bank Directors, Cashiers and Presidents, District Attorneys, Government Printers, Secretaries of State, Postmasters General, Attorneys General, President's Secretaries, and all the innumerable stipendiaries of the Administration. It was this wild speculation, fostered and conducted by the facilities of the Deposit Banks, that filled the Treasury with unavailable funds. The experiment terminated, as Mr. Clay prophesied it would terminate, in universal bankruptcy.

On the 8th of June, Mr. Clay, from the Committee on Foreign Relations, introduced a report with a resolution, for recognizing the Independence of Texas whenever satisfactory information should be received, that it had a civil Government in successful operation. Mr. Preston expressed a hope that the Executive was by that time in possession of such information; as would enable the Senate to adopt stronger measures than that recommended by the Committee; and he submitted a resolution calling on the President for such information. Mr. Clay wished that the resolution might be taken up and acted on; as he would be extremely glad to receive information that would authorize stronger measures in favor of Texas. The report of the Committee was concurred in; and Mr. Preston's resolution adopted. The result of the call upon the President and of the discussions that ensued, was the unanimous adoption, by the Senate, on the first of July, of the resolution reported by Mr. Clay, with an amendment by Mr. Preston adding a clause expressing the satisfaction of the Senate, at the President's having taken measures for obtaining accurate information as to the civil, military and political condition of Texas. Similar resolutions passed the House the 4th of July.

Mr. Clay spoke on a variety of questions, in addition to those we have alluded to, during the session of 1834-5; on the motion to admit the Senators from Michigan on the floor, and the recognition of that clause in the Constitution of Michigan, which he conceived to give to aliens the right to vote; on the resolution of Mr. Calhoun to inquire into the expediency of such a reduction of duties as would not affect the Manufacturing interest; on the Fortification Bill, &c. Congress adjourned the fourth of July, 1836.

On his return to Kentucky a dinner was given to Mr. Clay by his fellow-citizens of Woodford County. During his absence from home, he had experienced heavy afflictions in the death of a beloved daughter and of his only sister. On rising to speak, he was so overcome by the recollection of these losses, added to an allusion which had been made to the remains of his mother being buried in Woodford, that he was obliged to resume his seat. He soon rallied, however, and addressed the company for about two hours in an animated and powerful strain. He reviewed the recent acts of the Administration—their constant tampering with the currency—the Treas-

ury Order, directing that all payments for lands should be made in specie—the injustice practised towards the Indian tribes—and the disgracefully protracted Seminole War. In conclusion, Mr. Clay alluded to his intended retirement from the Senate of the United States—an intention, which, at that time, he fondly cherished.

So fixed was his wish to withdraw from public life, that he had, at one period, in 1836, made up his mind to resign. It is certain, that he looked forward with confidence to declining a reelection; and he expressed a hope at the Woodford dinner, that the State would turn its attention to some other citizen.

In the autumn of 1836, Mr. Clay narrowly escaped a violent death. He was riding on horseback in one of his fields, surveying his cattle, when a furious bull, maddened from some cause or other, rushed towards him, and plunging his horns with tremendous force into the horse on which Mr. Clay was seated, killed the poor animal on the spot. The distinguished rider was thrown to the distance of several feet from his horse, and, though somewhat hurt by the fall, escaped without material injury.

We have already given an exposition of Mr. Clay's views in behalf of Colonization. In 1836, he was unanimously elected President of the American Colonization Society in the room of the illustrious Ex-President Madison, deceased. He accepted the appointment.

During the winter of 1836, Mr. Clay was re-elected a Senator from Kentucky for six years from the ensuing fourth of March. The vote stood: for Henry Clay 76; for James Guthrie, the Administration candidate, 54. Eight members were absent, four of whom, it is said, would have voted for Mr. Clay.

The state of the Republic, toward the termination of General Jackson's second Presidential term, is yet vividly in the recollection of all our citizens. He had found the country, in 1829, in a condition of unexampled prosperity. The Government was administered with economy strictly republican. Congress was the dominant power in the land. Commerce, Manufactures, Agriculture, flourished. The Banking System was in a state of remarkable soundness. There was no disposition to multiply local Banks. There was neither temptation nor ability for these Banks to expand their issues. The failure of a Bank was an occurrence as unusual as an earthquake. Labor was sure of employment, and sure of its reward. There were few brokers, usurers and money-lenders by profession. There were no speculators by profession. There were no immense operations in fancy stocks and land schemes. There was but one way of growing rich—hard labor—assiduous industry—early rising—late retiring—and anxious, devoted and persevering attention to business. Our habits, as a people, were simple and democratic. OUR FOREIGN CREDIT WAS WITHOUT A STAIN. The debts which we contracted abroad were such as we could pay—and paid they were with scrupulous and honorable punctuality. OUR CURRENCY WAS, WITHOUT EXCEPTION, THE MOST PERFECT ON THE FACE OF THE GLOBE. No man ever lost a cent by it. It was abundant, safe, and well accredited in every part of the world. All pecuniary operations of Trade and Commerce were conducted with the most wonderful facility and regularity.

Gold and silver were in free circulation, and there was at all times an abundant supply of the smaller coins. Millions on millions of exchanges were negotiated in every quarter of the country, and at an average rate of one-half or one per cent.—a charge merely nominal in comparison with the subsequent rates. The whole machinery of Society, Government, Trade and Currency was in a state as nearly approaching perfection as human wisdom and ingenuity could compass.

Such was the condition of the Republic in 1829. Then the destroyer came—and all was blasted. For eight years he managed the affairs of the country in his own way; and HIS WILL WAS THE LAW OF THE LAND.

During those eight years, what a change came over our affairs! The whole machinery of Currency, Trade and Government was deranged. The land was flooded with three or four hundred millions of irredeemable paper. The smaller coins disappeared. Specie payments were universally suspended; and gold and silver were no more a currency than amethysts and diamonds. In trade, every thing ran into speculation. Banks sprang up like mushrooms on every side. Any two men who could write their names so as to sign and endorse a piece of paper, were enabled to procure 'facilities,' which generally turned out to be facilities for their own destruction. Brokers, usurers, money-lenders, speculators multiplied till their name was Legion. Every thing was unnaturally distended, until, at length, trade came to a dead stand. No one wanted to buy, and every body was afraid to sell. There was an utter stagnation, paralysis, extinction, of business. Thousands on thousands declared themselves individually bankrupt. As a nation, we were notoriously and miserably bankrupt—and we had hardly foreign credit enough to make it either safe or decent for any American to cross the Atlantic.

In Government, a revolution no less pernicious was accomplished. Congress became a mere stepping-stone to lucrative appointments, and the session was merely a convenient *reunion* of its Members for the better arrangement of their land speculations, and the more convenient distribution of the Government Deposits among the most accommodating Banks. The heart of our Government was rotten to its core—and, like our Currency and our Trade, it presented but a miserable contrast to the condition of 1829. And all these revolutions were brought about by the uncontrolled ascendancy of Jacksonism, and by no other agency under heaven!

Notwithstanding these deplorable issues, the end was not yet. The Jackson dynasty was to be perpetuated still another term in the hands of him who was proud to follow in the footsteps of his "illustrious predecessor." The Presidential Election of 1836 terminated in the choice of Martin Van Buren. But we are anticipating matters. We have yet the short Session of Congress of 1836-7 to review, before we take leave of the "Hero of New-Orleans."

The Administration had now a majority in the Senate. That noble phalanx of Whigs, who had so undauntedly withstood the usurpations of the Executive, could now only operate as a minority. One of the first acts of Mr. Clay was to reintroduce his Land Bill. On the 19th of December, in pur-

suance of previous notice, he presented it with modifications suited to the changes in Public Affairs. It was read twice and referred to the Committee on Public Lands,—at the head of which was Mr. Walker of Mississippi, who, on the 3d of January, gave notice that he was instructed by the Committee to move for the *indefinite postponement* of the bill, when it should come up for consideration. Some days afterward, Mr. Walker introduced his bill to limit the sales of the Public Lands, except to actual settlers, and in limited quantities; and on the 9th of February, 1837, Mr. Calhoun's extraordinary bill, nominally *selling*, but in reality *giving* to the new States *all the Public Domain*, came before the Senate.

Mr. Clay took ground at once against this scheme. He said that four or five years before, contrary to his earnest desire, this subject of the Public Lands was forced upon him, and he had, with great labor, devised a plan fraught with equity to all the States. It received the votes of a majority of both Houses, and was rejected by the President. He had always considered the Public Domain a sacred trust for the country and for posterity. He was opposed to any measure giving away this property for the benefit of speculators; and he was therefore opposed to this bill, as well as to the other (Mr. Walker's) before the Senate. He had hitherto labored in vain—but he should continue to oppose all these schemes for robbing the old States of their rightful possessions. He besought the Senate to abstain from these appeals to the cupidity of the new States from party inducements; and he appealed to the Senator from South Carolina whether, if he offered them higher and better boons than the party in power, he did not risk the imputation of being actuated by such inducements.

Fortunately for the country, the rash project of Mr. Calhoun did not reach the maturity of a third reading.

On the 25th of February, the bill from the Committee on Finance to alter and amend the several acts imposing duties on imposts being before the Senate, Mr. Clay spoke against the measure at some length. His principal objection arose from what he conceived to be the interference of some of the provisions of the bill with the Compromise Act of 1833. In the course of his remarks, he gave an interesting account of his own connection with that important measure.

He then went on to draw a striking parallel between the Compromise Act of 1833 as to the Protective System, and that other Compromise Act which settled the much agitated Missouri Question, and by which the latitude of 36 degrees 30 minutes was established as the extreme boundary for the existence of Slavery in that State. Had not Congress a right to repeal that law? But what would those Southern gentlemen, who now so strenuously urged a violation of our implied faith in regard to the act of '33, say if a measure like that should be attempted?

Mr. Clay concluded with a motion to re-commit the bill for the reduction of duties to the Committee on Finance, with instructions to strike out all those articles comprised in the bill, which then paid a duty of 20 per cent, and upwards, embraced in the Compromise Act. The motion was lost—25 Nays to 24

Yeas; and the bill was the same day passed by a vote of 27 to 18.

Early in the Session, Mr. Ewing had introduced a Joint Resolution rescinding the Treasury order by which all payments for Public Lands were to be made in specie. On the 11th of January, Mr. Clay addressed the Senate in a speech replete with argument and facts in support of the Resolution, and in opposition to an amendment, which had been offered by Mr. Rives. The Resolution was referred to the Committee on Public Lands, who instructed their Chairman to lay it on the table when it should come up. On the 18th of January, a bill rescinding the Specie Circular was reported by Mr. Walker. It subsequently passed the Senate, with some slight amendments, by a vote of 41 to 5; and received the sanction of the other House; but notwithstanding this fact, and the additional well-known fact, that the order had been originally promulgated in defiance of the opinion of Congress and the wishes of the people, the bill, "instead of being returned to the House in which it originated, according to the requirement of the Constitution, was sent to one of the pigeon-holes of the Department of State, to be filed away with an opinion of a convenient Attorney-General, always ready to prepare one in support of Executive encroachment."

Mr. Van Buren manifested the same contempt for the will of the people, expressed by Congress, as had been shown by his "illustrious predecessor," and refused to interfere until the Specie Circular repealed itself in the catastrophe of an universal suspension.

On the 12th of January, a Resolution, offered by Mr. Benton, to expunge from the journals of the Senate for 1833-4, Mr. Clay's Resolution censuring President Jackson for his unauthorized Removal of the Public Deposits came before the Senate for consideration; and on the 16th Mr. Clay discussed the question at considerable length. His speech was in a strain of mingled sarcasm and indignant invective, which made the subservient majority writhe under its scorching power. Never was a measure placed in a more contemptible light than was the expunging proposal by Mr. Clay. Those who heard him, can never forget the look and tone, varying from an expression of majestic scorn to one of good-humored satire, with which he gave utterance to the following eloquent passages:

"What patriotic purpose is to be accomplished by this expunging Resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March, 1834, a majority of the Senate of the United States passed the Resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourself that power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts and to pluck out the deeply-rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize US:

"'Ne'er yet did base dishonor blur our name.'

"Standing securely upon our conscious rectitude, and bearing aloft the shield of the Constitution of our Country, your puny efforts are impotent, and we defy all your power. Put the majority of 1834 in one scale, and that by which this Expunging Resolution is to be carried in the other, and let Truth and Justice, in Heaven above, and on earth below, and liberty and patriotism, decide the preponderance.

"What patriotic purpose is to be accomplished by this expunging resolution? Is it to appease the wrath and to heal the wounded pride of the Chief Magistrate? If he be really the hero that his friends represent him he must despise all mean condensation, all grovelling sycophancy, all self-degradation, and self-abasement. He would reject, with scorn and contempt as unworthy of his fame, your black scratches, and your baby lines in the fair records of his country."

The Expunging Resolution was passed; but no one will envy the immortality, to which the "knights of the black lines" have been consigned.

Mr. Clay addressed the Senate upon several other important questions during the session of 1836-7.—Among them were that upon the Fortification Bill, which was returned to the Senate after the House had insisted on the clause for a second Distribution of the Surplus Revenue; and the Resolution from the Committee on Foreign Relations, on the subject of our affairs with Mexico.

CHAPTER XVI.

Presidential Campaign of 1836—Mr. Clay declines being a Candidate—Result—Mr. Van Buren's Policy—A Retrospect—Democratic Doctrine—Issue of the "Experiment"—The Extra Session—Mr. Van Buren's Message—The Sub-Treasury Scheme—Indications of a Split in the House—Discussion of the Sub-Treasury Bill—Mr. Clay's Speeches—His Resolution in relation to a Bank—Treasury Notes—Session of 1837-8—Defeat of the Sub-Treasury Measure—Mr. Clay's Review of the Financial Projects of the Administration—Various subjects—His outline of a plan for a National Bank—Mr. Clay's course on the Abolition Question—His visit to New-York in the Summer of 1838—Cordial Reception, by the People, of the "Man of the People."

MR. CLAY had uniformly discouraged the attempts of his friends to induce him to become a candidate for the Presidency in the campaign of 1836. He saw the unhappy diversity in the ranks of the Opposition; and he saw, perhaps, the inevitable ability of the Jackson dynasty to perpetuate itself in the elevation of Mr. Van Buren. So potent had the Executive become, through usurpation and the abuse of patronage!

On the eighth of February, that being the day appointed by statute for opening the Electoral Returns for the Presidency and Vice Presidency of the United States, the result was proclaimed in the presence of both Houses of Congress. The following was ascertained to be the state of the vote:

For President.	Vice President.
Van Buren.....	170 Johnson.....
Harrison.....	73 Granger.....
White.....	23 Tyler.....
Webster.....	14 Smith.....
Manum.....	11.....
	294.....

It was then declared that it appeared that Martin Van Buren had been duly elected President of the United States, for four years from the 4th of March, 1837; and that no person had a majority of all the votes for the Vice Presidency, and that Mr. Johnson and Mr. Granger had the largest number of votes of all the candidates. Mr. Johnson was afterward duly chosen.

It had been hoped by many that under Mr. Van Buren a less destructive policy would be adopted than that which had signalized the reign of the "Hero of New-Orleans." For the last eight years the country had been governed by Executive edicts. Congress had always been disposed to do right, but it had been thwarted by a domineering and usurping Executive. The will of the People, constitutionally

avowed, had been constantly defeated by the impetuous and impetuous objections of *one* fallible and passionate old man.

Congress passed Mr. Clay's Land Bill; but the Executive defeated it.

Congress said that the Deposits were safe in the Bank of the United States; the Executive removed them.

Congress refused to issue a Specie Circular; it was issued by the Executive.

Congress rescinded the Specie Circular; and the Executive defeated that rescision.

Now the doctrine of Thomas Jefferson, as adopted and always acted upon by Henry Clay, is, that THE WILL OF THE MAJORITY, HONESTLY EXPRESSED, SHALL GIVE LAW. But Congress had no influence in the Government during the pernicious ascendancy of Jacksonism. It came together to pass appropriation bills, and register the decrees of the Chief Magistrate. The noble majority in the Senate, for a while, prevented much mischief, but they could originate and prosecute no settled policy, in consequence of the Administration majority in the other branch. We lived literally under Executive Legislation. Where the President could not veto, he could do some act of violence, and compel Congress either to leave the country without law or to adapt its legislation to the existing exigencies. Thus he could not prevail on Congress to remove the Deposits—but when they were removed, to “furnish an instrument of power to himself and of plunder to his partisans”—Congress was compelled either to leave them without law, or to pass laws for the regulation of new depositions.

The hopes that had been entertained of a reform under Mr. Van Buren proved fallacious; but his attempt to march in the “seven-leagued boots” of his predecessor speedily resulted in a ridiculous failure. He was tripped up at the very start.

The disastrous condition in which the country was left by the “hero of New-Orleans,” whose “humble efforts” to improve the Currency had resulted in the universal prostration of business, and a suspension of specie payments, called upon his successor in the Presidential chair for some immediate measure of relief. On the 15th of May, 1837, Mr. Van Buren issued his Proclamation ordering an extraordinary session of Congress, to commence the first Monday in September. In accordance with that Proclamation, both Houses of Congress met at the Capitol on the day appointed; and the Message recommending the SUB-TREASURY SYSTEM for the deposit, transfer and disbursement of the Public Revenue, was transmitted by the President. The consequence was an instantaneous loss of his majority in the House of Representatives.

In the election of Speaker, at the commencement of the Extra Session, 224 members voted, making 113 necessary to a choice. Mr. Polk received 116 votes, and was elected. Then came the Sub-Treasury Message, and the vote on the election of Printer indicated a sudden disaffection in the ranks, and a general breaking up of the Administration party. On the twelfth and final balloting, Thomas Allen, the Editor of the Madisonian, was elected over the Van Buren candidates, Blair and Rives. A decided majority of the House had been elected as friends of Mr. Van Buren; but so alarming seemed his

Sub-Treasury plan, which was, in other words, a scheme for placing the Public Purse under the control of the President, that he was defeated in the very first party vote after the election of Speaker.

The leading topic of the session was of course the new Sub-Treasury project; and it was discussed in the Senate with great ability on both sides. By this bill, the Treasury of the United States the Treasurers of the Mint and its Branches, Collectors, Receivers, Postmasters, and other office-holders, were commissioned to receive in specie and keep, subject to the draft of the proper Department, all public moneys coming into their hands, instead of depositing them, as heretofore, in Banks. Among the earliest and most prominent advocates of this measure was Mr. Calhoun, who suddenly found himself one of the leaders of a party, which for the last five or six years he had been denouncing as the most corrupt that had ever cursed a country.

The bill was taken up in the Senate the 20th September; and on the 25th, Mr. Clay spoke in opposition to this audacious and Anti-Republican scheme. In this admirable speech he went at length into an examination of the causes that had led to the existing disastrous state of public affairs. To the financial experiments of General Jackson, he traced back unerringly the consequent inflation of the currency—the wild speculations, which had risen to their height when they began to be checked by the preparations of the Local Banks, necessary to meet the Deposit Law of June, 1836—the final suspension of specie payments—and all the disorders in the Currency, Commerce and general business of the country, that ensued. He then gave his objections to the scheme before the Senate. It proposed one Currency for the Government and another for the people. As well might it be attempted to make the Government breathe a different air, be lit and warmed by a different sun from the People! A hard-money Government and a paper-money People! A Government, an official corps—the servants of the People—glittering in gold, and the People themselves, their masters, buried in ruin, and surrounded by rags! By the proposed substitution of an exclusive metallic Currency for the mixed medium, all property would be reduced in value to one-third of its present nominal amount; and every debtor would in effect have to pay three times as much as he had contracted for. Then there was the insecurity of the system—the liability to favoritism in the fiscal negotiations—the fearful increase of Executive patronage—the absolute and complete union of the Purse and the Sword in the hands of the President! All these objections were most powerfully elucidated and enforced by Mr. Clay.

He then proceeded to declare what he believed to be the only efficient measure for restoring a sound and uniform Currency, which was a United States Bank, established under such restrictions, as the lights of recent experience might suggest. “But,” said Mr. Clay, “if a National Bank be established, its stability and its utility will depend upon the general conviction which is felt of its necessity. And until such a conviction is deeply impressed upon the People, and clearly manifested by them, it would, in my judgment, be unwise even to propose a Bank.”

On the 4th of October the Sub-Treasury Bill, af-

ter undergoing various amendments, was read a third time and passed by the Senate by a vote of 25 to 20. It was taken up in the House on the 10th of October, and, on the 14th, laid on the table by a vote of 120 to 107.

The defeat of this measure in the teeth of the Executive recommendation, in spite of Executive blandishment and terrors—the triumph of the majority without doors over the majority within, and of both over patronage and power—revived the dying hopes of the patriot and infused new life into our Constitution. The sceptre of misrule had crumbled. The dynasty, which for nearly nine years had misruled the country, received on that occasion its irremediable wound.

A resolution reported by Mr. Wright from the Committee on Finance, in relation to the petitions for a National Bank, was called up in the Senate the 26th of September. The resolution declared that the prayer of the memorialists ought not to be granted. In his remarks upon this subject, Mr. Clay alluded to the case in which Mr. Randolph moved in the House of Representatives a similar negative resolution—"That it is inexpedient to declare war against Great Britain." Mr. Clay said, that if Mr. W. persisted in his resolution, he should move to strike out all after the word *Resolved*, and substitute: "that it will be expedient to establish a Bank of the United States *whenever it shall be manifest that a clear majority of the People of the United States desire such an Institution.*" The motion was subsequently made and lost; and Mr. Wright's resolution was adopted. The party then in power seem to have had but little reverence for the wishes of a "clear majority of the people of the United States."

The Extra Session lasted six weeks—Congress adjourning on the morning of the 16th of October. The measure, on which the hopes and fate of the Administration were staked, had been defeated.

The Sub-Treasury project came again before the Twenty-Fifth Congress, at their Second Session. The 19th of February, 1838, Mr. Clay once more addressed the Senate in opposition to the measure. This Speech is one of the longest and ablest ever delivered by him. At the commencement he stated certain propositions, which he would proceed to demonstrate. He contended—

1st. That it was the deliberate purpose and fixed design of the late Administration to establish a Government—a Treasury Bank—to be administered and controlled by the Executive Department.

2d. That, with that view, and to that end, it was its aim and intention to overthrow the whole Banking System, as existing in the United States when the Administration came into power, beginning with the Bank of the United States, and ending with the State Banks.

3d. That the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and had since been continued, against the State Banks.

4th. That the present Administration, by its acknowledgements, emanating from the highest and most authentic source, had succeeded to the principles, plans and policy of the preceding Administration, and stood solemnly pledged to complete and perfect them. And,

5th. That the bill under consideration was intended to execute the pledge, by establishing, upon the ruins

of the late Bank of the United States, and the State Banks, a Government Bank, to be managed and controlled by the Treasury Department, acting under the commands of the President of the United States.

The manner in which Mr. Clay proceeded to sustain these charges against the Administration was extremely impressive. That he made out his case satisfactorily to the People, subsequent events fully demonstrated.

Mr. Clay appears to have addressed the Senate on every question of moment that claimed its attention during the Session of 1837-8; on the reception of petitions for the Abolition of Slavery in the District of Columbia—the bill to restrain the issuing of small notes in the District—the disturbances on the Northern frontier, and the attack on the Caroline, an act which he denounced in the most unmeasured terms—the bill to grant preëemption rights to settlers on the Public Lands—the bill to establish the Oregon Territory—in favor of the bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia—against the bill providing for the graduation and reduction of the price of the Public Lands—and on many other subjects of hardly inferior interest.

A Joint Resolution, offered by him on the 30th of April, providing for the reception of the notes of sound Banks in the collection of the Revenue, was adopted by the Senate, with some amendments, the 29th of May. It was in effect a repeal of the Specie Circular.

In the course of the Session Mr. Clay took occasion, in presenting a petition for the establishment of a United States Bank, to make known his own views in regard to such an institution. Some of the conditions and restrictions, under which it seemed to him suitable to establish such a Bank, were briefly given in the following sketch:

1. The capital not to be extravagantly large, but, at the same time, amply sufficient to enable it to perform the heedful financial duties for the Government; to supply a general currency of uniform value throughout the Union; and to facilitate, as high as practicable, the equalization of Domestic Exchange. He supposed that about fifty millions would answer all those purposes. The Stock might be divided between the General Government, the States, according to their federal population, and individual subscribers; the portion assigned to the latter to be distributed at auction or by private subscription.

2. The Corporation to receive such an organization as to blend, in fair proportions, public and private control, and combining public and private interests; and, in order to exclude the possibility of the exercise of any foreign influence, non-resident foreigners to be prohibited not only from any share in the administration of the Corporation, but from holding, directly or indirectly, any portion of its stock. The Bank would thus be in its origin, and continue throughout its whole existence, a genuine American Institution.

3. An adequate portion of the capital to be set apart in productive stocks, and placed in permanent security, beyond the reach of the corporation (with the exception of the accruing profits on those stocks) sufficient to pay promptly, in any contingency, the amount of all such paper, under whatever form, that the Bank shall put forth as a part of the general circulation. The bill or note holders, in other words, the mass of the community, ought to be protected against the possibility of the failure or the suspension of the Bank. The supply of the circulating medium of a country is that faculty of a

Bank, the property or the exercise of which may be most controverted. The dealings with a Bank of those who obtain discounts, or make deposits, are voluntary and mutually advantageous; and they are comparatively few in number. But the reception of what is issued and used as a part of the circulating medium of the country, is scarcely a voluntary act; and thousands take it who have no other concern whatever with the Bank. The many ought to be guarded and secured by the care of the legislative authority; the vigilance of the few will secure themselves against loss.

4. Perfect publicity as to the state of the Bank at all times, including, besides the usual heads of information, the names of every debtor to the Bank, whether as drawer, endorser or surety, periodically exhibited, and open to public inspection; or, if that should be found inconvenient, the right to be secured to any citizen to ascertain at the Bank the nature and extent of the responsibility of any of its customers. There is no necessity to to throw any veil of secrecy around the ordinary transactions of a Bank. Publicity will increase responsibility, repress favoritism, insure the negotiation of good paper, and, when individual insolvency unfortunately occurs, will deprive the Bank of undue advantages now enjoyed by Banks practically in the distribution of the effects of the insolvent.

5. A limitation of the dividends so as not to authorize more than — per cent to be struck. This will check undue expansions in the medium, and restrain improper extension of business in the administration of the Bank.

6. A prospective reduction in the rate of interest, so as to restrict the Bank to six per cent simply, or, if practicable, to only five per cent. The reduction may be effected by forbearing to exact any bonus, or, when the profits are likely to exceed the prescribed limit of the dividends, by requiring the rates of interest shall be so lowered as that they shall not pass that limit.

7. A restriction upon the premium demanded upon post notes and checks used for remittances, so that the maximum should not be more than, say one and a half per cent between any two of the remotest points in the Union. Although it may not be practicable to regulate Foreign Exchange, depending as it does upon commercial causes not within the control of any one government, it is otherwise with regard to Domestic Exchange.

8. Every practicable provision against the exercise of improper influence, on the part of the Executive, upon the Bank, and, on the part of the Bank, upon the elections of the country. The people entertain a just jealousy against the danger of any interference of a Bank with the elections of a country, and every precaution ought to be taken strictly to guard against it.

This was a brief outline of such a Bank as Mr. Clay thought would, if established, conduce greatly to the prosperity of the country. Its wise and provident restrictions would seem to preclude all those popular objections which generally apply to banks. With regard to the constitutionality of a National Bank, Mr. Clay said, that forty years of acquiescence by the people—the maintenance of the power by Washington, the Father of his Country; by Madison, the Father of the Constitution; and by Marshall, the Father of the Judiciary, ought to be precedents sufficient in its favor.

The Abolition question was agitated in the Senate during the last Session of the 25th Congress. Mr. Clay had been urged by many of his friends to refrain from speaking on the subject. It was represented to him as impolitic, superfluous, and likely to interfere with his Presidential prospects. Such arguments could have no weight with him.

His whole course upon this perilous question has been that of the honest, upright, practical and consistent statesman, the true philanthropist, the sagacious and devoted patriot. When Mr. Calhoun introduced, in the Session of 1835-6, his bill to give Postmasters and their Deputies a power of inspection and espionage over the Mails—the bill which was passed to its third reading by the casting vote of Martin Van Buren—it met with the prompt and decided condemnation of Mr. Clay. No man has more vigilantly watched the sacred Right of Petition than Mr. Clay. He has condemned on all occasions the refusal of the Senate to receive petitions. His speech of February, 1839, yields to the Abolitionists all that they have a right to demand, and is at the same time so liberal in its doctrines as to disarm the ultraism of Southern hostility. Mr. Calhoun himself was compelled to admit his acquiescence in the soundness of its doctrines and the security which their adoption would promise to the Union. The enemies of Mr. Clay denounced this movement on the Abolition question as an effort to achieve popularity. They reasoned from the inevitable result, to an unworthy incitement. To impute unworthy motives to Mr. Clay because of such a result was to impeach the purity of all public action, and to confine the statesman, who would preserve his political reputation, to the advocacy of unwise and unpopular measures. Popularity *did* follow the promulgation of such sentiments as are contained in the speech of Mr. Clay—the popularity which all good men desire—the popularity of which all great men may be proud—the popularity based upon gratitude for distinguished service, admiration for commanding eloquence, and the eternal sympathies of the PEOPLE with the PATRIOT.

In the summer of 1839, Mr. Clay visited Buffalo, and passing into Canada, made an excursion to Montreal and Quebec. Returning, he visited the city of New-York. He had the previous summer been invited, at an enthusiastic meeting of his friends at Masonic Hall, to visit the city, but had then been unable to comply with their invitation. His reception at the period to which we now refer, was one of the most brilliant ever extended to a public man. Early in the afternoon he was landed at the foot of Hammond-street, Greenwich, from the steamboat *James Madison*, attended by a large number of citizens. An immense multitude was assembled to greet his arrival, and, as he stepped on the wharf, the air was rent with acclamations from a myriad of voices. The day was most propitious. At Greenwich, a procession was formed headed by marshals, after whom came a numerous cavalcade. A band of music preceded the open barouche of Mr. Clay, and a vast concourse of citizens followed in carriages. Everything in the city, in the shape of a four-wheeled vehicle was in attendance, and tens of thousands of citizens followed on foot. When the head of the procession reached the Astor House, the rear had not yet formed in line. Through the whole extent from the point of landing, through Hudson-street, up Fourteenth-street to Union Place, and down Broadway to the Park, a distance of nearly three miles, it was at one and the same time a dense moving mass of horsemen, carriages, carmen and citizens. Every window on either side of the way was occupied, and acclamations from every house, and

the waving of handkerchiefs, and cordial salutations, greeted the illustrious Statesman as he passed. At Constitution Hall, at Masonic Hall, and at every place of public resort and amusement, flags were displayed, and hands of music were stationed to hail his approach.

As he reached the Park, the tens of thousands who thronged the grounds, the windows and roofs of the surrounding edifices, the adjacent streets, and the large open space at the junction of Chatham-street and Broadway, thundered out the mighty welcome of a grateful people to the gallant, generous, warm-hearted and noble-minded citizen, whose life had been devoted to their service.

The reception was purely a civic one. It was not a *got-up*, official pageant, where the populace exhibit their gratitude by an invitation of the Common Council, and display a certain amount of enthusiasm duly provided for by the resolves and ordinances of the Corporation. It was the voluntary, unbought, unbidden movement of the People, to greet the arrival among them of one, who had ever been eminently the MAN OF THE PEOPLE.

CHAPTER XVII.

The Harrisburg Convention—Mr. Clay the choice of the People—Presidential Contests of 1824 and 1832—Intrigues in the Convention—Means employed to thwart the Nomination of Mr. Clay—Organization of the Convention—Nomination of General Harrison—Acquiescence of the Kentucky Delegation—Mr. Clay's Letter—Remarks of Gov. Barbour, Mr. Leigh, Mr. Livingston—John Tyler Nominated for the Vice Presidency—Grounds of the Nomination.

As the period of another Presidential Election drew near, that vast portion of the Democracy of the land, opposed to the administration of Mr. Van Buren, began to turn their eyes towards the most able, renowned and consistent of their leaders, Henry Clay, as a fitting candidate for the Chief Magistracy of the United States. The Champion of the People, their interests and their honor, during the Last War—the Preserver of the Union on two momentous occasions, when it was threatened with Dissolution and Civil War—the Founder and vigilant Protector of the American System—the Friend of Internal Improvements—the intelligent Advocate of a Sound, Uniform, Republican Currency, and of a Judicious Tariff—the experienced Statesman, who, at Ghent, and in the Department of State, had displayed the highest order of talents in the service of his country—the active Foe of Executive Usurpation—the chivalrous Defender of the Constitution and the Laws, who, in his public career, had ever manifested his obedience to the principle that the WILL OF THE PEOPLE, faithfully expressed, should give Law—the Indicator of Human Liberty throughout the World—WHO could present claims so numerous, so powerful, so overwhelming, upon the gratitude, confidence and suffrages of the People of the United States?

The fact of his having been in two instances an unsuccessful candidate for the Presidency, was the only objection worthy of notice, which was brought forward by those who, while they professed to admit his claims, and to accord with him in his political creed, were doubtful of the expediency of his nomination. But what were the facts in regard to those two instances? In the election of 1824, he failed in

being elected by the Primary Colleges, in company with John Quincy Adams, Andrew Jackson, and William H. Crawford. So that the argument in this case would have been as valid against any one of these candidates as it can be against Mr. Clay. He was excluded from being one of the three highest candidates, who were returned to the House on this occasion, by being *unfairly deprived of Electoral Votes in New-York and Louisiana*. It was, moreover, well known that, if the Election were carried to the House, Mr. Clay would, as the natural result of his great popularity, be elected. The friends of all the other candidates, consequently, had a united interest in excluding him.

With regard to the contest of 1832, the reelection of Gen. Jackson at that time could not be construed into an indication of popular feeling towards Mr. Clay. The "Hero of New-Orleans" had, during his first term, just entered upon his novel experiments in the Currency; and a great part of the People were disposed to give them a fair trial, and afford him an opportunity to carry out the policy he had commenced. The patronage of the Executive was directed, to an extent wholly unparalleled, towards the continuance of the sceptre in his hands. Nullification had begun to show its menacing face, and there were many, even among those who were hostile to the general policy of the Administration, and friendly to Mr. Clay, who yet unwisely thought that strenuous measures towards South Carolina would be required, and that the Union would be safest under the direction of a Military Chief Magistrate.

In addition to these circumstances, the party opposed to Gen. Jackson was distracted by Anti-Masonry, which presented an excellent and popular candidate for President in William Wirt.

These two elections are all in which Mr. Clay has been a candidate for the Presidency, and in neither did he have a fair field. He has been nearly twenty times a candidate for the suffrages of the People, and only on these two occasions defeated. Mr. Van Buren, with a clear field and the whole patronage of the Government in his own hands, failed in the election of 1840.

How ridiculous, then, to assert that the Presidential contests of 1824 and 1832 afford any test of Mr. Clay's present strength with the People of the United States! Let it be borne in mind, moreover, that since the period of his last candidacy he has rendered the most memorable services to the country; and that he comes before the people endowed with many new claims upon their gratitude and support.

The Democratic Whig Convention for the nomination of a Presidential Candidate, met at Harrisburg, on the 4th of December, 1839. That they represented a constituency, two-thirds of which were in favor of the nomination of Henry Clay, we cannot entertain a doubt. But soon after the assembling of the Convention, intrigues were set on foot by an adroit few for the selection of some other candidate. It was contended by these men that Mr. Clay was deficient in popular strength; and they would soothingly add, that he was too good and great a man ever to be made President.

One word in regard to this argument, which we often hear from the lips of persons *professing* an attachment to Democratic principles. It is a gross libel on the intelligence of the people, and is found-

ed in a supercilious distrust of their competency to self-government. Communities may be deluded, and Republics, through error, be ungrateful *for a time*, but so surely as truth prevails, as prevail it must, will they make amends for their injustice. The sentiment of generosity is strong in the breast of a people; and it is never stifled except through misconception or ignorance.

The most successful means employed at Harrisburgh to defeat the nomination of Mr. Clay was to praise him and decry his prospects. Some dozen or more individuals residing chiefly in different parts of the State of New-York, but embracing persons in other States, would write letters to one another, professing to give calculations based upon unerring statistics. The intriguers were thus severally supplied with a bundle of letters full of extravagant eulogiums upon Mr. Clay, and of lamentations that so great and good a man, and one who had rendered such signal services, could not be elected. These letters were pulled out and exhibited from time to time, as was best calculated to advance the end in view, their exhibition being generally preceded by the observation: "You know that Mr. Such-a-one, 'the writer of this letter, is a devoted friend of Mr. Clay; but only read what he thinks and says of his 'Presidential prospects.'"

Attempts were also made to convey an exaggerated impression of the superiority of Gen. Scott's strength over that of Mr. Clay in New-York—a superiority which never existed. Men who had been sent to the Convention, by constituents entertaining an enthusiastic preference for Mr. Clay, became suddenly doubtful as to his strength, and commenced manufacturing public opinion for the advancement of their own selfish ends. These maneuverers were few in number, but in a body like that at Harrisburgh, where a conciliatory and compromising spirit prevailed, they were enabled to exert an all-important influence. The intriguers soon succeeded in detaching many of the honest and sincere friends of Mr. Clay from his support, alarming them by their fabricated public opinion and appealing to their patriotism and their attachment to principles rather than men.

Hardly a doubt seemed to be entertained, on the first meeting of the Convention, that Mr. Clay would be nominated. There were not two opinions expressed on the point, that he *ought* to be President of the United States. The question was one solely of *probability* of election; and this was a question partly of mere opinion and partly of testimony. Such a state of things presented a rare opportunity for intrigue and deception; and a few—a very few—could, it is obvious, by a resort to unprincipled arts and strained representations, and by busy, underhand intrigues, mislead the majority and defeat their will. Unhappily for the country, such a few were found; and receiving coadjutors, as they soon did, in some honest but duped friends of Mr. Clay, their influence was greatly augmented, and even those who had had the fullest faith in the strength of their favorite candidate began to question whether *expediency* would not require another choice.

In stating these well-known facts, it is far from our intention to intimate that there were not some gentlemen in the Convention who honestly believed that it would be injudicious to nominate Mr. Clay at that time. Unquestionably there were such:

and they may now be found among the warmest and most single-hearted of his supporters. But we must, nevertheless, adhere to the conviction that the will of the People was not faithfully spoken by that Convention; and that the defeat of Mr. Clay's nomination was brought about by a misapprehension of their most earnest wishes and anticipations.

The Convention was organized on the 5th of December by the appointment of Hon. James Barbour as President, with thirteen Vice Presidents and four Secretaries. A Committee was appointed to report upon the nomination of a candidate, and, after a session of nearly two days, during which the intriguers were not idle with their bundles of letters, it reported in favor of William Henry Harrison. The friends of Mr. Clay—those who had adhered to him to the last—disappointed as they were in this unlooked-for result, were too well aware of the generous sentiments of their candidate, not to acquiesce in it cheerfully and with a good grace. At the meeting of the Convention, on the 9th of December, Mr. Banks of Kentucky was the first to rise and announce the hearty concurrence of the Delegation from that State in the nomination indicated by the informal ballot announced by the Committee. Mr. Preston, from the same State, followed in the same strain, and asked that a letter from Mr. Clay, which had for several days been in possession of a Delegate, but which had not been shown, lest it should seem intended to be used to excite sympathy for Mr. Clay, should now be read. Permission being unanimously given, the letter was read by General Leslie Combs of Kentucky.

In this letter Mr. Clay says: "With a just and 'proper sense of the high honor of being voluntarily 'called to the office of President of the United States 'by a great, free and enlightened people, and profoundly grateful to those of my fellow-citizens who 'are desirous to see me placed in that exalted and 'responsible station, I must nevertheless say in entire truth and sincerity, that if the deliberations of 'the Convention shall lead them to the choice of another as the candidate of the opposition, far from 'feeling any discontent, the nomination will have 'my best wishes and receive my cordial support.'" He then calls upon his friends from Kentucky, discarding all attachments or partiality for himself, and guided solely by the motive of rescuing our country from the dangers which environed it, to heartily unite in the selection of that citizen, although it should not be Henry Clay, who might appear the most likely by his election to bring about a salutary change in the Administration.

The reading of this letter excited great emotion in the Convention. It was the saying of a patriot of antiquity, that he would rather have it asked by posterity why a monument was *not* erected to him than why it was. A similar spirit would seem to actuate Mr. Clay; for never has he been known to manifest any personal disappointment at the failure or betrayal of his Presidential prospects.

Gov. Barbour, of Virginia, after expressing his concurrence in the will of the Convention, said he had known Mr. Clay for thirty years, and had been intimately associated with him in public and private life, and that a more devoted Patriot or purer Statesman never breathed. In the course of that thirty years he had never heard him utter one sentiment

unworthy this character. There was no place in his heart for one petty or selfish emotion.

Benjamin Watkins Leigh anticipated the concurrence of Virginia in the nomination. He had felt it his duty to support his more intimate and endeared friend, Henry Clay, but he acknowledged the worth of Gen. Harrison. He had supported the former to the last from the firmest conviction that no other man was so fitted to the crisis—so transcendently qualified for the highest office in the gift of the American people as Henry Clay. He never thought that Mr. Clay needed the office, but that the country needed him. That office could confer no dignity or honor on Henry Clay. The measure of his fame was full; and whenever the tomb should close over him it would cover the loftiest intellect and the noblest heart that this age had produced or known.

The venerable Peter R. Livingston, of New-York, an able and ardent supporter of Mr. Clay, said in regard to him—"I envy Kentucky, for when he dies, she will have his ashes!"

A candidate for the Vice-Presidency remained to be nominated by the Convention. He was found in the person of John Tyler, of Virginia. By what unfortunate chance this selection was made, it is unnecessary now to inquire. It must be said in exculpation of those, however, who acquiesced in it, that there was no good reason for doubting Mr. Tyler's political fidelity and attachment to Whig principles. On all the great questions of public policy he was considered as pledged to the support of those measures for which the Whig party had been battling during the last ten years. On the subject of the Public Lands he had, as a Member of the Virginia Legislature, in 1839, declared himself, both in a Report and a Speech, an advocate of the measure of Distribution. In a speech before the U. S. Senate, he had condemned, in unequivocal terms, the abuse of the Veto power. He went to Harrisburg, as he himself has said, *in favor of Henry Clay—he voted for him in his own Delegation up to the seventh and last ballot*—and, if his own words are to be believed, *he was affected even to tears*, when the nomination was given by the Convention to another. Surely it cannot be said that he might have been in favor of Mr. Clay's nomination to the Presidency, and yet opposed to the most important public measures to which that distinguished Statesman had ever rendered his support.

On the question of a Bank, it was, with reason believed that Mr. Tyler's views were similar to those maintained by the great Whig Party of the country. Whilst a member of the Convention at Harrisburg, he had made to Governor Owen, of North Carolina, Chairman of the Committee, through whom all nominations must find their way to the Convention, the following communication:*

"That his views on the Bank Question had undergone an entire change; that he believed the establishment of a National Bank to be alike indispensable as a Fiscal Agent of the Government, and to the restoration of the Currency and Exchanges of the country; and he thought that all Constitutional objections ought to yield to the various Executive, Legislative and Judicial decisions of the question."

In addition to all these circumstances, the simple

fact of Mr. Tyler's presence in the Convention—of his silent approval of all those important measures which were regarded as consequent upon the election of a Whig President—was, in the minds of honorable men, equivalent to a pledge that those measures would, in any event, continue to meet his ready and earnest support.

Under the influence of considerations like these, the Convention unanimously nominated John Tyler, of Virginia, for the Vice Presidency; and, having taken this step, adjourned.

A deep disappointment was felt throughout the Whig ranks at the failure of the Convention to nominate Mr. Clay for the Presidency; but the magnanimous sentiments expressed in his letter, read at the Convention, soon began to animate his friends; and they manifested their devotion to principles rather than to men, by rallying vigorously in support of the selected candidates.

With regard to John Tyler, he was very imperfectly known out of Virginia; and if little could be said in his favor, still less could be said to his prejudice. The office of Vice President was generally regarded as one of comparatively slight consequence; and there seemed to be an utter absence of all apprehension of the contingency, by which its importance was so fearfully magnified. Future Conventions will never forget the lesson which Mr. Tyler has given to his countrymen and their posterity.

CHAPTER XVIII.

Mr. Clay again in Congress—Passage with Mr. Calhoun—Reconciliatory Incident—The Bankrupt Bill, &c.—The Sub-Treasury again—A Government Bank—Mr. Clay visits his native County of Hanover—His Speech—Proposed Reforms—He addresses the Harrison Convention at Nashville—Democracy—Born a Democrat—Reminiscence of a Revolutionary Incident.

MR. CLAY's efforts in the Democratic Whig cause appear not to have been less ardent, incessant and faithful, during the Congressional Session of 1839-40, than at any previous period of his career. The just expectations of his friends had been thwarted at Harrisburg; but that circumstance did not seem either to affect his spirits, or to damp the ardor of his opposition to that policy which he believed injurious to the best interests of his country. He acquiesced promptly, heartily and nobly in the nomination of General Harrison, and did not manifest, on any occasion, a lurking feeling of disappointment. He took an early occasion in the Senate to reiterate the sentiments expressed in his letter, read at the Convention; and he showed himself prepared to do vigorous battle in behalf of the principles which he and his associates had been struggling, for the last twelve years, to maintain.

In the Senate, on the third of January, 1840, Mr. Southard moved the reconsideration of an order of reference of Mr. Calhoun's Land Bill to the Committee on Public Lands. The proposition gave rise to a passage between Mr. Calhoun and Mr. Clay, in which severe language was employed on both sides. Allusion being made to their respective political careers at the time of the Force Bill and the Compromise Act, Mr. Calhoun said that the gentleman from Kentucky was flat on his back at that time, and was compelled to the Compromise—and that he (Mr. Calhoun) was then his master.

* See the Address of the Delegates from Maryland, in the Harrisburg Convention, to their constituents. These facts will be found eloquently set forth in that able paper.

In reply, Mr. Clay, in the ardor of his feelings, remarked:—"The gentleman has said that I was 'flat on my back—that he was my master on that occasion. He my master! Sir, I would not own 'him for my slave!'"

The principal questions on which he spoke during this session were—on the Abolition of Slavery; on the Bankrupt Bill; the Maine Boundary Line; Mr. Calhoun's Bill to cede the Public Lands to the States in which they lie; the Navy Appropriation Bill; the Independent Treasury Bill; on the Branch Mints; the Expenditures of Government; the Cumberland Road; Repeal of the Salt Tax; and the Bankrupt Bill. His opinions on nearly all these subjects are so well known as to render a recapitulation unnecessary.

Notwithstanding the indications of public hostility, and "in spite of the lamentations" in Congress "and elsewhere," Mr. Van Buren and his friends continued to press their odious Sub-Treasury project, now newly christened under the name of the "Independent Treasury Bill." Against this measure Mr. Clay battled with undiminished vigor and zeal. On the twentieth of January, 1840, he addressed the Senate in one of his most spirited speeches, in opposition to the bill, which he truly designated as a Government Bank in disguise, demonstrating the assertion by proofs the most convincing.

"A Government Bank," said Mr. Clay, "may not suddenly burst upon us, but *there* it is, embodied in this bill. Let the reflection of the present Chief Magistrate be secured, and you will soon see the Bank disclosing its genuine character. But, thanks be to God! there is a day of reckoning at hand.—All the signs of the times clearly indicate its approach. And on the fourth day of March, in the year of our Lord 1841, I trust that the long account of the abuses and corruptions of this Administration, in which this measure will be a conspicuous item, will be finally and for ever adjusted."

He introduced, on this occasion, a bill for the Repeal of the Sub-Treasury System, but it was not acted upon until the will of the People was so pre-emptorily spoken that longer resistance to it, on the part of Mr. Van Buren and his friends, was impossible.

During the summer of 1840, Mr. Clay visited his native County of Hanover, and was every where hailed with enthusiasm and reverence. At a public dinner given to him at Taylorsville, June 27th, 1840, he addressed a vast assemblage of his friends in a speech, which may be referred to as a text book of his political faith. It is probably in the hands of too many of our readers to render an abstract of it useful in this place. Although his opinions on all public questions of importance have been always frankly

avowed, he defines his position in this speech with unusual minuteness and precision. With a view to the fundamental character of the Government itself, and especially of the Executive branch, he maintains, that there should be—either by amendments of the Constitution, when they were necessary, or by remedial legislation, when the object fell within the scope of the powers of Congress—

1st. A provision to render a person ineligible to the office of President of the United States after a service of one term.

2d. That the Veto power should be more precisely defined, and be subjected to further limitations and qualifications.

3d. That the power of dismissal from office should be restricted, and the exercise of it rendered responsible.

4th. That the control over the Treasury of the United States should be confided and confined exclusively to Congress; and all authority of the President over it, by means of dismissing the Secretary of the Treasury, or other persons having the immediate charge of it, be rigorously precluded.

5th. That the appointment of Members of Congress to any office, or any but a few specific offices, during their continuance in office, and for one year thereafter, be prohibited.

Mr. Clay was among the most active of those, who took part in the campaign of 1840, which terminated in the complete triumph of the Whigs. On the 17th of August, 1840, he addressed the Harrison Convention at Nashville, Tennessee, in an interesting and eloquent speech. In allusion to the professions of the Van Buren party to be Democrats *par excellence*, he very happily said—"Of all their usurpations, I know of none more absurd than the usurpation of this name."

"I WAS BORN A DEMOCRAT," said he, subsequently in a speech delivered in Indiana—"rocked in the cradle of the Revolution—and at the darkest period of that ever memorable struggle for Freedom. I recollect, in 1781 or '82, a visit made by Tarleton's troops to the house of my mother, and of their running their swords into the new-made graves of my father and grand-father, thinking they contained hidden treasures. Though then not more than four or five years of age, the circumstance of that visit is vividly remembered, and it will be to the last moment of my life. I was born a Democrat—was reared and nurtured a Republican—and shall die a Republican, in the faith and principles of my fathers."

CHAPTER XIX

Election of General Harrison—He visits Mr. Clay—Second Session of the Twenty-Sixth Congress—Inauguration and death of General Harrison—The Extra Session—Mr. Clay's Labors—John Tyler's Veto of the Bank Bill—Mr. Clay's eloquent Speech in Reply to Mr. Rives—The Van Buren men in Congress call to congratulate John Tyler on his Veto—Mr. Clay's fanciful description of the Scene—Events succeeding the Veto—More Vetoes—The Tariff—Mr. Clay resigns his seat in the Senate—Impressive Farewell.

THE election of General Harrison to the Presidency in the autumn of 1840, by an immense majority, was hailed by the Whigs as the triumphant consummation of their long and arduous twelve years' struggle against the disorganizing principles and measures which had prevailed during the ascendancy of Jackson and Van Buren. A majority of the People had at length passed their solemn verdict against those measures, and in favor of the legis-

* Mr. Clay is not the man to harbor the harsh feelings sometimes engendered in animated debate. After his farewell speech, on resigning his seat in the Senate, as he was about to leave the Chamber, he encountered Mr. Calhoun. They had not spoken to each other for five years; but they now simultaneously extended their hands, and cordially greeted each other, while the tears sprang to their eyes. They had almost spent their lives together in Congress; and during the War, and at various times subsequently, had stood shoulder to shoulder, animated by the same patriotic impulses and aspirations. Time had passed over both, and the young men had become old. For a minute or more, they could not speak, so overcome were both with emotion. At length Mr. Clay said, on parting, "Give my best regards to Mrs. Calhoun;" and they bade each other farewell.

lation for which Mr. Clay and the Whigs in Congress had been so unanimously contending. Before commencing his journey to the Seat of Government, General Harrison visited Mr. Clay, and personally tendered him any office in the President's gift. Mr. Clay respectfully declined all invitations of this kind, and announced his intention of retiring from the Senate as soon as the objects for which he and his friends had been laboring so strenuously, were placed in a train of accomplishment.

The Session of Congress preceding the new President's installation found Mr. Clay at his post, still prompt and active in the service of his country. On the Land Bill—the Repeal of the Sub-Treasury—the Bill to establish a Uniform System of Bankruptcy—the Treasury Note Bill—the Preëemption and Distribution project—and other important questions, on which his views are familiar to our readers, he addressed the Senate with his accustomed eloquence and energy. In his Speech of the 28th of January, 1841, on the Land Bill, he entered into an able vindication of Whig principles and measures as contrasted with those of the expiring Administration. There being still a Van Buren majority, Mr. Clay's Resolutions, repealing the Sub-Treasury, after affording occasion for some eloquent debates, were laid on the table the 19th of February. Some remarks being made in the Senate by Mr. Cuthbert, toward the close of the Session, of a character prejudicial to Mr. Webster, Mr. Clay eloquently vindicated that distinguished Senator, and bore testimony to his exalted merits.

The Second Session of the Twenty-Sixth Congress terminated on the night of the 3d of March—the Van Buren men having refused to pass a Bankrupt Bill and other important measures. The day after the adjournment, General Harrison was inaugurated President of the United States; and, on the 18th of March, he issued his Proclamation for an Extra Session of Congress, to commence on the last Monday in May. Before that period arrived, and precisely a month after his inauguration, the venerable President departed this life; and, by a provision of the Constitution, John Tyler of Virginia, the Vice President, was invested with the authority of President of the United States.

The Extraordinary Session of Congress, convened by the Proclamation of the lamented Harrison, took place at the appointed time, the last Monday in May, 1841. Never was there a body of Representatives who came together with a more patriotic and honorable desire faithfully to execute the will of their constituents, the majority of the People of the United States, than the Whigs, who composed the Twenty-Seventh Congress. Mr. Clay at once took active and decided measures for the prompt dispatch of this public business. The subjects which he proposed to the Senate, as proper exclusively to engage their deliberations during the Extra Session, were:

- 1st. The repeal of the Sub-Treasury Law.
- 2d. The incorporation of a Bank adapted to the wants of the People and the Government.
- 3d. The provision of an adequate Revenue by the imposition of Duties, and including an authority to contract a temporary Loan to cover the Public Debt created by the last Administration.
- 4th. The prospective Distribution of the proceeds of the Public Lands.
- 5th. The passage of necessary Appropriation Bills,

6th. Some modification in the Banking System of the District of Columbia for the benefit of the People of the District.

In the formation of Committees, Mr. Clay was placed at the head of that on Finance; and, on his motion, a Select Committee on the Currency for the consideration of the Bank question was appointed. Of this Committee he was made Chairman. Early in June he presented his admirable Report of a Plan for a National Bank; and, after a thorough discussion, the bill was passed, which, on the 16th of August, called forth a Veto from President Tyler. On the 19th of the same month, Mr. Clay addressed the Senate on the subject of this Veto. His remarks, although apparently made "more in sorrow than in anger," are pervaded by the spirit of unanswerable truth; and, in his rejoinder to Mr. Rives, on the same day, he rises to a height of eloquence never surpassed on the floor of Congress. In the opinion of many of his hearers, it was one of the most brilliant Speeches of his whole Senatorial career. On this occasion he showed, by irresistible proofs, that the question of a Bank was the great issue made before the People at the late Election. "Wherever 'I was,' said he—"in the great Valley of the 'Mississippi—in Kentucky—in Tennessee—in Maryland—in all the circles in which I moved, every 'where, *Bank or No Bank* was the great, the leading, the vital question."

Not long after the Veto, as Mr. Clay, with two or three friends, was passing the Treasury Buildings, along the road leading to the Pennsylvania Avenue, he noticed a procession of gentlemen walking two by two, toward the White House. "In the name of wonder, what have we here?" exclaimed Mr. Clay, while his features lighted up with one of those mischievous smiles, which are so contagious, seen on his countenance. *It was a procession of the Van Buren Members of Congress, going personally to congratulate John Tyler on his Veto!*

The incident was not forgotten by Mr. Clay. The scene was too rich and piquant to pass unnoticed. On the 2d of September, a suitable opportunity presented itself in the Senate for a commentary on the occurrence; and he availed himself of it in a manner, which entirely overcame the gravity of all parties present. He gave an imaginary description of the scene at the White House, and the congratulations lavished upon the President by his new friends. He pictured to the Senate the honorable member from Pennsylvania (Mr. Buchanan) approaching the Throne, and contributing his words of encouragement and praise to those, which had been offered by the rest. The imaginary speech, which he put into the lips of this gentleman on this occasion, was so characteristic, that Mr. Buchanan subsequently complained in the Senate, that it had been gravely attributed to him by several journals as having been actually delivered, and that he could not divest many of his worthy constituents in Pennsylvania of the idea.

The figure of Mr. Benton was one of too much importance not to be introduced by Mr. Clay into this fancy sketch.

"I can tell the gentleman from Kentucky, that I was not at the White House on the occasion to which he alludes," said the Missouri Senator interrupting him.

"Then I will suppose what the gentleman would have said if he *had* been present," continued Mr. Clay, without suffering his imagination to be checked in its flight. And he then represented the wordy and pompous Missourian bowing at the Executive footstool, and tendering his congratulations.

The space to which we have been restricted, will not allow us to present even an imperfect sketch of the whole scene. We can only refer the reader to it as one of the most felicitous of those legitimate presentations of the *ludicrous*, made to illustrate the *true*, which sometimes occur to enliven the barrenness of legislative debate.

The events which succeeded the Veto are too recent in the minds of the People to render a minute enumeration necessary here. They are forcibly summed up in Mr. Adams's excellent Report on the President's Veto of the Revenue Bill. A second Bank Bill, shaped to meet the avowed views of the President, was prepared, passed, and then vetoed. The Cabinet, with the exception of Mr. Webster, resigned; and the great purpose for which the Special Session of Congress had been called was defeated by the will of one man, who owed his influential position to his professed attachment to Whig principles, and his declared preference for Mr. Clay as a candidate for the Presidency.

Mr. Clay was unremitting in his application to the public business during the Extra Session. He spoke on a great variety of questions, and, being at the head of two important Committees, performed a great amount of hard work. Although his principal measure for the public relief was defeated by the unlooked-for defection of John Tyler, he had the satisfaction of aiding in the Repeal of the odious Sub-Treasury System—in the passage of the Bankrupt Law—and in the final triumph of his favorite measure, often baffled but still persevered in, the Distribution of the Sales of the Public Lands. By the provisions of this last law, Distribution was to cease whenever the average rate of Duties on Imports should exceed 20 per cent.

A Revision of the Tariff, rendered necessary by the expiration of the Compromise Act, was also undertaken. This was the most important subject which engaged the attention of the Twenty-Seventh Congress, at its first regular session. To meet the exigency of the occasion, a Provisional Bill, suspending the operation of the Distribution Bill for one month, as well in consequence of a lack of funds in the Treasury, as of a desire on the part of Congress to give more mature consideration to the subject of a Tariff, was passed. But it encountered still another and another Veto from the President.

It has been asserted that Mr. Clay and his friends did not desire an adjustment of the Tariff question, during the Session of 1841-2. Nothing could be more unfounded than this charge. In spite of discomfort and mortification, they persevered in their efforts for the relief of the country, and eventually surrendered the Distribution clause to meet the views of the President; and the Tariff Bill finally became a law, through the patriotic endeavors of the friends of Mr. Clay, notwithstanding the attempt of Mr. Tyler to crush their energies and arouse their opposition.

On the thirty-first of March, 1842, after one of the longest Congressional careers known in our annals,

Mr. Clay resigned his seat in the Senate of the United States. It having been previously understood that he would take occasion, in presenting the credentials of his successor, Mr. Crittenden, to make some valedictory remarks, the Senate Chamber was, at an early hour, crowded to its utmost capacity, by Members of the other House, and by a large assemblage of citizens and ladies. Some of Mr. Clay's best friends had looked forward with apprehension to this event—wearing the aspect, as it did, of a formal and appointed leave-taking. They remembered that there was but one step from the sublime to the ridiculous, and they dreaded lest the truly impressive character of the occasion might be marred, or divested of its dignity, by any farewell words. But Mr. Clay had hardly risen to speak before their apprehensions were lost and forgotten in a deep and absorbing interest in the language that flowed calmly, smoothly and majestically from his lips. He referred to the period of his first entrance into the Senate, in 1806. He paid a merited compliment to the high character of that body, and to the ability of its individual Members; but added that, full of attraction as was a seat in that Chamber, to fill the aspirations of the most ambitious heart, he had long determined to forego it, and to seek repose among the calm pleasures of "home."

It had been his purpose, he said, to terminate his connection with the Senate in November, 1840. Had President Harrison lived, and the measures devised at the Extra Session been fully carried out, he would have then resigned his seat. But the hope that at the Regular Session the measures left undone might be still perfected, induced him to postpone his determination; and events, which arose after the Extra Session, resulting from the failure of those measures which had been proposed at that Session, and which appeared to throw on his political friends a temporary show of defeat, confirmed him in the resolution to attend the present Session also—and, whether in prosperity or adversity, to share the fortune of his friends. But he resolved, at the same time, to retire as soon as he could do so with propriety and decency. Mr. Clay then continued as follows:

"From 1806, the period of my entry on this noble theatre, with short intervals, to the present time, I have been engaged in the public councils, at home and abroad. Of the nature or the value of the services rendered during that long and arduous period of my life, it does not become me to speak; history, if she deigns to notice me, or posterity, if the recollections of my humble actions shall be transmitted to posterity, are the best, the truest, the most impartial judges. When death has closed the scene, their sentence will be pronounced, and to that I appeal and refer myself. My acts and public conduct are a fair subject for the criticism and judgment of my fellow-men; but the private motives by which they have been prompted—they are known only to the great Searcher of the human heart and to myself; and I trust I may be pardoned for repeating a declaration made some thirteen years ago, that, whatever errors—and doubtless they have been many—may be discovered in a review of my public service to the country, I can with unshaken confidence appeal to the Divine Arbiter for the truth of the declaration, that I have been influenced by no impure purposes, no personal motive—have sought no personal aggrandisement; but that in all my public acts I have had a sole and single eye, and a warm and devoted heart, directed and dedica-

ted to what, in my judgment, I believed to be the true interest of my country."

Mr. Clay then alluded to the fact, that in common with other public men he had not enjoyed an immunity from censure and detraction. But he had not been unsustained. And here the allusion to the persecutions of his assailants led to the mention of Kentucky, the State of his adoption—noble Kentucky—who, when the storm of calumny raged the fiercest, and he seemed to be forsaken by all the rest of the world, threw her broad and impenetrable shield around him, and hearing him up aloft in her courageous arms repelled the poisoned shafts aimed for his destruction. As Mr. Clay uttered the name of Kentucky, his feelings overpowered him—the strong man was bowed with emotion—he passed his fingers before his eyes for a moment—then rallied, and proceeded with his remarks. To the charge of Dictatorship, which was so often in the mouths of his opponents at that time, Mr. Clay replied temperately and happily. We can quote but a fragment of this portion of his Valedictory Address:

"That my nature is warm, my temper ardent, my disposition, especially in relation to the public service, enthusiastic, I am fully ready to own; and those who supposed that I have been assuming the Dictatorship, have only mistaken for arrogance or assumption that fervent ardor and devotion which is natural to my constitution, and which I may have displayed with no little regard to cold, calculating and cautious prudence, in sustaining and zealously supporting important National measures of policy which I have presented and proposed."

The truly generous qualities of Mr. Clay's nature shine forth from every line of the following passage:

"During a long and arduous career of service in the public councils of my country, especially during the last eleven years I have held a seat in the Senate, from the same ardor and enthusiasm of character, I have no doubt, in the heat of debate, and in an honest endeavor to maintain my opinions against adverse opinions equally honestly entertained, as to the best course to be adopted for the public welfare, I may have often inadvertently or unintentionally, in moments of excited debate, made use of language that has been offensive, and susceptible of injurious interpretation toward my brother Senators. If there be any here who retain wounded feelings of injury or dissatisfaction produced on such occasions, I beg to assure them that I now offer the amplest apology for any departure on my part from the established rules of parliamentary decorum and courtesy. On the other hand, I assure the Senators, one and all, without exception and without reserve, that I retire from this Senate Chamber without carrying with me a single feeling of resentment or dissatisfaction towards the Senate or any of its members."

Mr. Clay concluded this memorable address by invoking, in a tone which thrilled through every heart, the blessings of Heaven upon the whole Senate and every member of it. The hushed suspense of intense feeling and attention pervaded the crowded assemblage as he sat down. For nearly half a minute after he had finished no one spoke—no one moved. There was not a dry eye in the Senate Chamber. Men of all parties seemed equally overcome by the pathos and majesty of that farewell.—At length Mr. Preston, of South Carolina, rose and remarked, that what had just taken place was an epoch in their legislative history; and, from the feeling which was evinced, he plainly saw that there

was little disposition to attend to business. He would therefore move that the Senate adjourn.

The motion was unanimously agreed to; but even then the whole audience seemed to remain spell-bound by the effect of those parting tones of Mr. Clay. For several seconds no one stirred. "In all probability we should have remained there to this hour," said an honorable Senator to us recently, in describing the scene, "had not Mr. Clay himself risen, and moved towards the area." And then at length, slowly and reluctantly, the assemblage dispersed.

Shortly after the adjournment, as Mr. Calhoun was crossing the Senate Chamber, he and Mr. Clay encountered. For five years they had been estranged; and the only words which had passed between them had been those harshly spoken in debate. But now, as they thus inadvertently met, the old times came over them. They remembered only their political companionship of twenty years' standing.—The intervening differences, which had chilled their hearts towards each other, were forgotten. The tears sprang to their eyes. They shook each other cordially by the hand—interchanged a "God bless you!" and parted. We have alluded elsewhere briefly to this scene. It was a happy sequel to the leading events of the day.

CHAPTER XX.

Return to Kentucky—Speech at Lexington—Visits Indiana—Scene with Mr. Mendenhall—Remarks on Slavery—Personal Matters—Slanders Refuted—The Dayton Convention—Visit to the South-West—Triumphal Progress—Return Home—Contemplated Visit to the South-East—Letters on the Tariff—Letter to the Whigs of Fayette County, Va., in regard to John Tyler—Again Visits New-Orleans—Addresses the Whig Convention—Leaves New-Orleans on his way to North-Carolina.

On his return to Kentucky, after retiring from public life, Mr. Clay was received with all those manifestations of enthusiastic affection which it is possible for a grateful constituency to exhibit. On the 9th of June, 1842, he partook of a public entertainment or Barbecue, given in his honor near Lexington.

The speech which he delivered on this occasion is probably fresh in the recollection of many of our readers. Containing as it does many personal reminiscences of his past career, and a review of those leading questions of policy upon which we have already given his opinions, it is one of the most interesting of his numerous addresses to popular assemblies.

Early in October, 1842, being on a visit to Richmond, in the State of Indiana, the occasion of his meeting a large concourse of his fellow citizens was seized upon by a number of his political opponents to present him with a petition praying him to emancipate his slaves in Kentucky. It was thought that even Henry Clay would be nonplussed and embarrassed by so inopportune and unexpected an appeal. A Mr. Mendenhall was selected to present him with the petition, and expectation was raised to the highest pitch among the few who were in the secret, and who were far from being Mr. Clay's well-wishers, to hear what he would say. Never did he acquit himself more felicitously than on this occasion.

The indignation was great among the assembly when they learned the object with which Mr. Mendenhall had made his way through their midst to the spot where Mr. Clay stood. They regarded it as an insult to him and his friends; and the probability is, that Mr. Mendenhall would have had some palpable proof of their sense of his impertinence, had not Mr. Clay instantly appealed to the assembly in the following terms:

"I hope that Mr. Mendenhall may be treated with the greatest forbearance and respect. I assure my fellow citizens, here collected, that the presentation of the petition has not occasioned the slightest pain, nor excited one solitary disagreeable emotion. If it were to be presented to me, I prefer that it should be done in the face of this vast assemblage. I think I can give it such an answer as becomes me and the subject of which it treats. At all events, I entreat and beseech my fellow citizens for their sake, for my sake, to offer no disrespect, no indignity, no violence, in word or deed, to Mr. Mendenhall."

Then, turning to Mr. Mendenhall: "Allow me to say," said Mr. C., "that I think you have not conformed to the independent character of an American citizen in presenting a petition to me. A petition, as the term implies, generally proceeds from an inferior in power or station to a superior; but between us there is entire equality."

Mr. Clay remarked, in continuation, that he desired no concealment of his opinions in regard to the institution of Slavery. He looked upon it as a great evil, and deeply lamented that we had derived it from the Parental Government and from our ancestors. But, without any knowledge of the relation in which he stood to his Slaves, or their individual condition, Mr. Mendenhall and his associates had presented a petition calling upon him forthwith to liberate the whole of them.

"Now let me tell you," said Mr. C. "that some half a dozen of them, from age, decrepitude or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of that charge, and sending them forth into the world, with the boon of liberty, to end a wretched existence in starvation?"

In conclusion, Mr. Clay admirably exposed the hypocrisy of the petitioners by the following proposition, in regard to which they have never taken any steps:

"I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, I should like to know what you and your associates are willing to do for the Slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth fifteen thousand dollars. To turn them loose upon society without any means of subsistence or support would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation."

Mr. Clay finished his remarks with some friendly advice to Mr. Mendenhall, which it is probable that individual will never forget. The tables were completely turned upon those who had thought to annoy and embarrass the great Kentuckian. The bearer of the petition and his associates were suffered to slink away unnoticed and unheeded by the crowd.

As the period for a new Presidential election approaches, the enemies of Mr. Clay are circulating the grossest misrepresentations in regard to his conduct as a slave-holder and his opinions upon the subject of the institution of Slavery. A Mr. James Channing Fuller, who according to his own showing, smuggled himself into the kitchen at Ashland and interrogated the slaves, in the absence of Mr. Clay from home, has published a statement in relation to Mr. Clay's domestic affairs, full of the most ridiculous falsehoods. One of the slaves, named Darkey, who seems to have been very communicative in "humbugging" the fellow, on being asked why she had told him such big stories, replied: "Why, the man came sneaking about the house like a fool, and I thought I would make a bigger fool of him."

Mr. Abel Brown, who was indicted not long since for libel by the Grand Jury of Albany, has also been busy in propagating the vilest slanders in regard to Mr. Clay's connection with the slaveholding interest. We need only stamp them as deliberate and malicious falsehoods, wholly unsustained by the slightest shadow of proof.

The Lexington Intelligencer says:

"Mr. Clay owns about fifty slaves. Several of them, from age and infirmity, are an absolute charge upon him. His allowance of food to them, is a pound of bacon per day for adult men, and in that proportion for women and children—free access to the meal-tub for bread, and plenty of vegetables. Most of them raise fowls. They are well clothed and housed, and the tasks given them are very light, inasmuch, that during the season of breaking hemp, some of the men can earn their dollar per day. Their attachment to Mr. Clay is strong. Charles has travelled with him through the greater part of the United States and both the Canadas. When at the Falls of Niagara, three years ago, Mr. Clay was asked by a friend if he was sure of Charles's fidelity; for that some Abolitionists had been attempting to seduce him from his service. Mr. Clay replied that they were welcome to get him off if they could. He might go if he pleased; he would be only anticipating his freedom a few days. In Canada, Charles was again importuned and teased, until excessively vexed, he turned upon his tormentors and told them that he would not leave his master for both of the Queen's Provinces. Charles's wife, a free woman and her children, all live upon Mr. Clay's place and are chiefly supported by him, without rendering any equivalent."

There has never been any concealment on Mr. Clay's part of his opinions on the subject of Slavery. Through the whole course of this Memoir they will be found scattered, from the period when he first advocated the gradual eradication of Slavery from Kentucky in 1797 to the present moment. In his speech before the Colonization Society in 1827, (see Chapter X, of the present work,) nothing can be more explicit than the language he employs. We refer those who would be enlightened further in regard to his views, to that eloquent address.

On the 29th of September, 1842, Mr. Clay attended the great Whig Convention at Dayton, Ohio, where ONE HUNDRED THOUSAND WHIGS are believed to have been assembled.

"At 8 o'clock," says one of the actors in the scene, "when every street in the city was filled, and there seemed no resting-place for any, the procession was formed. This occupied a long time. When done, the order, 'March!' was given; and,

in solid mass, we moved to welcome the great Statesman, Henry Clay, into the city. He was met near the city, and, at half-past 9 o'clock, reached the neighborhood of the National Hotel. Here a beautiful sight was witnessed. One hundred and twenty-five children, as the honest patriot approached, welcomed him with songs! Their sweet voices rang out in merry peals, and the multitude responded to it with the heartiest enthusiasm. After this, Mr. Clay occupied a stand for some time, as the procession passed by, welcoming him to Ohio, and in return receiving his salutations.

When the procession had passed, Mr. Clay retired into the Hotel. Governor Metcalf then appeared at the window, and delivered a speech—returning the thanks of Kentucky for the warm-hearted reception they had met with, and bidding all who loved the name of American to rally together in defence of American Liberty and American Labor.

Mr. Schenck read Resolutions, prepared by the Committee, nominating Henry Clay and John Davis for the Whig candidates for 1844. At this time Mr. Clay was seen in the crowd, and then, as if there had been one voice only, the shout went forth for the Statesman of the Nation. He answered it; and, in a speech of two hours, plain, yet eloquent, he spoke, concealing no opinion, disguising no wish, the multitude all the while listening with eager attention and breathless silence. And such a speech! It was a master-effort of a master-spirit.

Of this tremendous meeting Mr. Clay afterward remarked, that of all the crowds in Europe or elsewhere he never saw one so great. A vast sea of human heads surrounded the platform, covering many acres.

In the month of December, 1842, Mr. Clay, having private business in New-Orleans, where one of his married daughters resides, visited that city, stopping at Natchez and other places on his route. He was every where received by the People with such enthusiastic demonstrations of popular affection as had never before been bestowed upon any American except Washington.

On his return homeward from Louisiana, about the middle of February, 1843, his progress was continually impeded by vast assemblages of the people to meet and welcome him. At Mobile, on the 2d of February, and at Vicksburg, on the 20th of February, an immense concourse of citizens collected to offer the tribute of their gratitude and respect. The Hon. S. S. Prentiss addressed him, on the latter occasion, in that strain of fluent and impassioned eloquence for which that young and gifted orator is distinguished.

At Jackson, the capital of Mississippi, Mr. Clay was met and welcomed by the largest concourse ever assembled in the State. At Memphis, Tennessee, crowds of citizens from the surrounding region assembled to tender him their affectionate respects, to look on and listen to the greatest living champion of their Country's honor and interests. Thus felicitated and welcomed on his route, Mr. Clay, with more than a conqueror's trophies, returned, in fine health and spirits, to Ashland, just as Spring was beginning to fringe with green the old oaks that waved around his homestead.

Early in April he addressed a large body of his fellow citizens in the Court-House yard at Lexington; and, in the course of his remarks, acknowledged, in appropriate language, the attentions which had been paid to him and the honors which had been showered upon him by all parties during his late trip to the South-west.

It having been understood that Mr. Clay would make a tour to the South-east during the autumn of 1843, innumerable letters from Committees in all sections of the country were poured in upon him, requesting him to visit a multitude of places, both on his route and aside from it. The task of replying to these letters must alone have been exceedingly laborious. North Carolina was, we believe, the first to claim from him a visit. In his reply to a Committee of citizens of Raleigh, dated 10th July, 1843, he consents to pay a visit, some time in the course of the next spring to that State, which was "the first to declare the Independence of the Colonies, and will be among the last to abandon the support of the Union."

Several letters from Mr. Clay on the subject of the Tariff appeared, during the Summer of 1843. Nothing could be more explicit and undisguised than the expression of his views. In his reply, dated 13th September, 1843, to a letter from F. S. Bronson, Esq., of Georgia, asking his opinions in regard to the Protective policy of 1832, he writes:

"The sum and substance of what I conceive to be the true policy of the United States, in respect to a Tariff, may be briefly stated. In conformity with the principle announced in the Compromise Act, I think, that whatever revenue is necessary to an economical and honest administration of the General Government, ought to be derived from duties, imposed on Foreign imports. And I believe that, in establishing a Tariff of those duties, such a discrimination ought to be made, as will incidentally afford reasonable protection to our national interests.

"I think there is no danger of a high Tariff being ever established; that of 1832 was eminently deserving that denomination. I was not in Congress when it passed, and did not vote for it; but with its history and with the circumstances which gave birth to it, I am well acquainted. They were highly discreditable to American legislation and I hope, for its honor, will never be again repeated.

"After my return to Congress in 1831, my efforts were directed to the modification and reduction of the rates of duty contained in the act of 1828. The act of 1832 greatly reduced and modified them; and the act of 1833, commonly called the Compromise Act, still farther reduced and modified them. The act which passed at the Extra Session of 1841, which I supported, was confined to the free articles. I had resigned my seat in the Senate when the act of 1842 passed. Generally, the duties which it imposes are lower than those in the act of 1832. And, without intending to express any opinion upon every item of this last Tariff, I would say that I think the provisions, in the main, are wise and proper. If there be any excesses or defects in it, (of which I have not the means here of judging,) they ought to be corrected.

"My opinion, that there is no danger hereafter of a high Tariff, is founded on the gratifying fact that our manufactures have now taken a deep root. In their infancy, they needed a greater measure of protection; but, as they grow and advance, they acquire strength and stability, and, consequently, will require less protection. Even now, some branches of them are able to maintain, in distant markets, successful competition with rival foreign manufactures."

By this it will be seen, that Mr. Clay is *in favor of sustaining the present Tariff*; and that, so far from contemplating higher and higher duties, he believes that the rapid and constant progress of our Manufactures tends ever to diminish instead of increasing the necessity for decidedly *protective* duties. He never was in favor of a high tariff. In his own language, he believes: "that the Revenue from the General Government should be derived from the Foreign imports to the exclusion of direct taxes, and the proceeds of the sales of Public Lands; and that no more revenue should be levied than is necessary to an economical administration of the Government; but that in levying it such discriminations ought to be made as will afford moderate and reasonable protection to American interests against the rival and prohibitory policy of Foreign Powers."

Notwithstanding these clear and unequivocal declarations, the attempt is frequently made to misrepresent Mr. Clay's views in regard to the Tariff. Surely there is no longer any excuse for ignorance upon this subject among persons claiming to be intelligent.

The Whigs of Fayette County, Virginia, some time in September, 1843, wrote to Mr. Clay requesting him to favor them with a visit on his way to or return from North Carolina. By the following extracts from his reply, it will be seen that he is far from disguising his sentiments in regard to Mr. Tyler:

"The treachery, Gentlemen, of the acting President, to which you allude in terms of just indignation, is mortifying to us as Americans.

"Considering the youth of our Republic, and the virtuous and illustrious men who have filled the office of Chief Magistrate of the Union, it is painful in the extreme to behold such an example of utter abandonment of all the obligations of honor, of duty and of fidelity. But, far from allowing that degrading fact to throw us into a state of apathy and despondency, it ought to stimulate every American freeman to redouble his energies in rescuing his Government from the impure hands into which it has accidentally fallen.

"Against Mr. Tyler no exertion is necessary. He will soon retire with the contempt and amidst the scoffs of all honorable men. Our efforts should be directed against those who first seduced and then profited by him; those who, after having won him to their uses now affect to shrink from the contamination; association; those who after his complete identification with them, and at the moment when he is appropriating to their exclusive advantage the whole patronage of the Government, unjustly upbraid us with the failure of measures, the adoption of which was prevented by his perfidy and their countenance and support of him."

In December, 1843, Mr. Clay's private affairs again required his presence in New-Orleans. He was welcomed on his route to that city by the same testimonials of popular attachment that had signalized his journey of the preceding year; and, during his residence in the great Southern Metropolis, citizens of all parties seemed to unite in doing him honor. Before his departure, the State Convention of the Democratic Whigs of Louisiana, which was holding its session at the time, formed in procession, the 23d February, 1844, and marched to the St. Charles Hotel, where he was staying, to tender their respects. His reply to their enthusiastic congratulations was brief but to the point:

"You call for a speech from me, my fellow-citi-

zens: It is not proper that I should make a speech, and I will not make a speech. But this I may say to you—you are engaged in a good cause, an honest cause, a glorious cause: the principles which you are advocating tend to the advancement of the prosperity of the Republic, and I will tell you that from all quarters—from the farthest corners of Maine to the extremest points of Louisiana, the signs of the times are propitious, and not a speech obscures the horizon. Go on, THEN! Go AHEAD!"

On the 25th February, Mr. Clay reached Mobile on his way to North Carolina. Although it was the Sabbath, and of course no civic ceremonies denoted the welcome which was swelling in every bosom, yet the wharves were lined with a dense and innumerable throng, eager to catch a glimpse of him as he disembarked. On the next day he was to receive his fellow citizens at the Mansion House. The Advertiser of the 26th says: "Mr. Clay, we are pleased to add, is looking in fine health, and promises to live yet many years, the benefactor and the pride of his country."

On the 5th March, he left Mobile for Montgomery, Columbus, Ga., Macon and other intermediate cities on his route, followed by the best hopes of the people for his health, prosperity and elevation to the Chief Magistracy of the Republic in November next.

CHAPTER XXI.

Mr. Rives's Letter in favor of Mr. Clay—Review of Mr. Clay's Personal History—His successes at the Bar—Chief Justice Marshall's Opinion of his Talents—Personal Description—His Manners and Mode of Address—Richard M. Johnson's Estimate of Mr. Clay's Abilities—Anecdotes—Conclusion.

ONE of the most cheering evidences of the widespread reaction in the public mind in favor of Mr. Clay may be found in the letter of the Hon. William C. Rives, U. States Senator from Virginia, dated January 1st, 1844, and addressed to Colonel Edmund Fontaine, of Hanover County. In this manly and eloquent letter, Mr. Rives states the grounds of his preference for Mr. Clay over Mr. Van Buren as a candidate for the Presidency in plain and forcible terms. The following passages cannot be made too familiar to the people of the United States:

"Could any thing inflict a deeper wound on the cause of Republican Institutions than such a spectacle of levity and instability on the part of the constituent body as would be exhibited in the restoration of Mr. Van Buren, after the overwhelming condemnation of his Administration pronounced by the almost unanimous electoral voice of the country but three short years ago? Would it not render popular Government a 'by-word and taunt' among the Nations?"

"It is impossible for any reflecting man to contemplate the actual and prospective condition of the country without seeing in it already the germ of new difficulties and troubles, which may, in their approaching development, agitate our glorious Union to its centre. The Oregon and Texas question in our foreign relations; at home, a deficient revenue, with all its ordinary sources pressed up to their farthest productive limit, and some of them, there is reason to apprehend, beyond; the Tariff controversy reopened, with all the conflicting interests and passions which never fail to be awakened by it; and added to these, the rekindled fires of the Abolition excitement—each and all of them are questions which carry in their bosom the fearful elements of civil discord and intestine strife. The worst and most dangerous aspect they present is, that all of

them bring into immediate and opposing array, if not into angry and hostile collision, the sectional interests and feelings of the different geographical divisions of the Confederacy. Whose, at such a moment, is the master-spirit that may have power to still the rising tempest before it sweeps with destructive fury over the face of our yet happy Union? or, should this prove hopeless and impossible, whose the commanding genius 'to ride the whirlwind and direct the storm?' To preside over the destinies of a great Republic, in a crisis of such complicated difficulty and peril, calls for something more than the arts of the mere party politician. It demands the highest moral and intellectual qualities of the statesman—courage, self-possession, elevation of character and elevation of views; a nobleness and generosity of nature that attracts confidence, and can inspire enthusiasm; the spirit of persuasion and the spirit of command combined. Let the annals of the country, in some of the darkest moments which have ever lowered upon its fortunes, be consulted, and they will answer whether HENRY CLAY or MARTIN VAN BUREN is the man for such a crisis."

Of such paramount interest have been the details of Mr. Clay's public career that we have but little room to bestow upon his private and professional history, honorable as it has been to him. We have alluded to his early successes at the bar, but space fails us in the attempt to supply even an imperfect sketch of his numerous triumphant efforts in the sphere of his profession. Owing to the more popular character of his political labors, he has not enjoyed, out of the boundary of the Supreme Court, half the reputation which was his due as a jurist of extensive attainments and profound ability. But we have been assured by Mr. Justice Story, that he was regarded by Chief Justice Marshall as second to no lawyer in the country in these respects. His arguments always evinced great reflection, and often great erudition; and they were of that elevated and liberal character, which excluded every aid of a narrow or *pettifogging* cast. We must content ourselves with a mere reference to this department of Mr. Clay's history; referring the reader to the reports and records of the United States Courts for information in regard to it.

Henry Clay is now (1844) in his sixty-seventh year, and, notwithstanding his varied and arduous labors, tasking his mental and physical powers to an extraordinary degree, and the several periods of dangerous illness, to which he has been subject, he bears in his personal appearance the promise of a vigorous, healthful and protracted old age. In stature he is tall, sinewy, erect and commanding, with finely formed limbs and a frame capable of much endurance. From his features you might at first infer that he was a hardy backwoodsman, who had been accustomed rather to the privations and trials of a frontier life than to the arena of debate and the diplomatic table. But when you meet his full, clear, gray eye, you see in its flashes the conscious power of a well-trained and panoplied intellect as well as the glance of an intrepid soul. Its lustre gives animation to the whole countenance, and its varying expression faithfully interprets the emotions and sentiments of the orator. Much of the charm of his speaking lies in his clear, rotund and indescribably melodious voice, which is of wide compass, and as distinct in its low as in its high tones. The effect of it, when a passion is to be portrayed, or a feeling of pathos aroused, is like that of a rich instrument upon the ear.

Nothing could be more felicitous than Mr. Clay's personal manners and mode of address. They impress every one with the conviction that he is a true man—that there is no *sham* about him and his opinions. Frank, affable, natural and communicative—as much at home among European princes and potentates as at a Barbecue with his own constituents—his perfect self-possession and repose of manner spring, not so much from long intercourse with the world as from that rooted democratic instinct, that dignity of character, which looks solely to the inward man, and sees not the stars and garters with which he may be externally decorated.

Among the eminent men who have borne testimony to those qualities, which render Mr. Clay so worthy a candidate for the highest office in the gift of the American people is Col. Richard M. Johnson of Kentucky. We are indebted to the Richmond Whig for the following anecdote:

"On the 30th of September last, Col. Johnson being in Staunton, Virginia, a number of gentlemen paid him the respect of calling to see him. One of the company remarked to him, 'Colonel, when you reach the railroad junction, you will be near the *Slashes of Hanover*.' The honest old warrior's face immediately lit up with an expression of sincerity and pleasure, and he eloquently said: 'I shall be delighted to see that place. Every spot of ground Henry Clay touches he immortalizes. I have been in public life for forty years, and in that time have been associated with all the great men of the country. Leaving out Madison and Gallatin, who were old men when I first stepped upon the theatre of politics, I will place Jefferson first, then Henry Clay. He is a perfect Hercules in all the qualities that can adorn human nature. Some men may excel him in a single quality—for instance, Webster may be a greater logician, or some may be more renowned for deep researches, but take Clay all in all, he has not an equal in the Union, either in the North or South—the East or the West. In moral courage—in physical courage—in oratory—in patriotism, and in every noble quality, he is without a superior. I have been associated with him on Committees in connexion with Calhoun, Lowndes, Cheves, Webster, and other distinguished individuals, but Clay was always the master-spirit. We looked up to him as the Ajax Telamon; and by his counsel we were guided in our deliberations. If the rest of the Committee assembled before him and were in doubt how to proceed, when he made his appearance, all eyes were turned upon him—and we were certain to be right when we followed his opinion. He is a great man, a very great man."

As a writer, Mr. Clay will creditably compare with any of the public men of the day. His style is singularly perspicuous, simple, forcible and correct, evincing a preference for good old Saxon words over those derived from the Latin and Greek languages. In this respect, it is perfectly Addisonian. His instructions to the Ministers sent to the Congress of Panama, his Land Report of 1832, his Report on the differences with France, and numerous documents which emanated from his pen while he was at the head of the Department of State, may be referred to not only as papers evincing masterly statesmanship, but as excellent specimens of "English unde-filed."

In his tastes and habits of life, he is remarkably simple and unostentatious. On his fine estate of Ashland, he has for many years devoted his leisure to superintending the breeding and raising of cattle, on an extensive scale, and no man has done better

service to the farming interests of the country. He is an early riser, and methodical and industrious in the disposition of his time.

In early life, Mr. Clay had a fondness for play—not for the sake of the money sported—but for the company and the excitement. He has, on several occasions given up large sums that he had won, and often saved men from ruin. He has never played at a public table or at gambling houses. *For upwards of thirty years he has not played at any game of hazard.* We mention these facts because there is much misrepresentation abroad on the subject; and the most grossly exaggerated stories have been made current by his enemies. We have fairly stated the head and front of his offending.

As an instance of that magnanimity which Mr. Clay carries into all the transactions of life, we may quote the following facts from the *Cleveland (Ohio) Herald*, of April, 1843 :

"A near relative of Mr. Clay, residing in his vicinity, who has been largely engaged in the purchase and manufacture of hemp, for bagging and balerope, for the New-Orleans market, by the fall in value, and the embarrassments of the times, which have been felt with prodigious force for a year past, in the great South-Western Emporium, was lately compelled to make an assignment of his property to trustees, for the benefit of all his creditors. The whole amount of his liabilities was near \$50,000—about one-half of which was due to Mr. Clay for advances to enable the manufacturer to prosecute his business, so advantageous to the farming interests of Kentucky, with the hope of an improvement in the condition of things, so that a suspension of the work and of the payment might be avoided.

"The sale of the property took place about a fortnight ago, and as usual in such cases attracted several hundred persons, and among them many of the creditors. Mr. Clay then told them in substance that the assignment was for the benefit of all the creditors, himself included—that the amount due him was as large as all the other claims combined—that from the relationship in which he stood to the debtor, it was probable some, and perhaps many of the creditors, had become such under the expectation that, if difficulty occurred, he, Mr. Clay, would protect them—that although there was no ground whatever for asking him to do so, yet, rather than that any man should think he had the slightest reason to complain of him, and in order further that every debt due to others should be paid, he now released all interest under the assignment until every dollar due to others was paid, and then if any thing was left he would take it. The sale was made—the other creditors were all paid, and what little remained was all Mr. Clay got for his \$25,000.

"How different this from the ordinary course, when Mr. Clay, being the confidential creditor, would have been first paid, and in this case the only one paid, and who but Henry Clay could be found, under such circumstances, to reject the whole or at any rate his share of the proceeds."

But it is with Mr. Clay's public history that we have mainly to deal. The Legislative annals of the Nation are the sources from which it may be derived. There it stands amply and immutably recorded, through a period of nearly forty years. From those magnificent quarries of the Past, the materials will be drawn for a monument more perennial than marble or brass. Never were the views of a public man upon all questions of public policy more ingeniously and unequivocally expressed—more clearly and broadly defined. On no one point is there an

indication of shuffling—of a disposition to evade or defer the responsibility of uttering an opinion. In contemplating his career, we are often reminded of these lines by the author of 'Philip Van Artevelde:'

"All my life long
I have beheld with most respect the man
Who knew himself and knew the ways before him,
And from amongst them chose considerably,
With a clear foresight, not a blindfold courage
And, having chosen, with a steadfast mind
Pursued his purpose."

Such a man is Henry Clay! And in no one public act of his life does he seem to have been actuated by other than pure and patriotic motives. "I WOULD RATHER BE RIGHT THAN BE PRESIDENT." In that expression we have a key to his conduct from the moment he first entered the National Councils; and in that expression we have an earnest of the single-heartedness of purpose with which the affairs of the country will be conducted under his administration. His elevation to the Presidency would be a national blessing—not merely because it would revive confidence and restore outward prosperity, but because its moral effect would be incalculably advantageous to our highest interests as a Free People. It is notorious that, under the dynasties of Jackson and Van Buren, the moral tone of the country has been deplorably lowered; the dastardly doctrine of Repudiation has sprung up, by which sovereign States have endorsed the ethics of the pickpocket and the swindler; and our reputation, at home and abroad, has received stains, which it will take years to efface.

To the Philanthropist, the Patriot, and the Christian, what a relief to turn from this spectacle of dishonor and mal-administration, to the prospect of Henry Clay's election in November next!

And now we approach the termination of our imperfect sketch of his Life and Public Services. The enthusiastic demonstrations in his favor, which are daily and hourly manifesting themselves in every quarter of the Republic, and which point to him as the ONLY candidate of the Democratic Whigs of the Union at the next Presidential Election; the numerous nominations, and the cordial testimonials of State Legislatures, and of primary meetings of the People every where, in his behalf, are matters of present history, which it is the province of the newspapers of the day to note. So overwhelming are they in their amount, that it would be useless for us to attempt in this place to convey an idea of their character and weight. That they are the infallible precursors of the election of Henry Clay to the Presidency of the United States, in the autumn of 1844, we firmly and fully believe. That triumph will be rendered all the more glorious from its contrast with the reverses and disappointments of the sixteen years preceding it, illumined only by that burst of sunshine which visited us in the election of General Harrison, and disappeared at his death.

In this hope, we take a temporary leave of the subject of our biography. What further distinctions and glories may await him, time only can reveal.—But the Past is secure. His name lives in the hearts of his countrymen. His fame is incorporate with the history of the Republic. May they both be blended with the highest honor which a Free People can bestow.

Paul Myers

PREFACE.

The leading motive for publishing this report, is to inform those who feel an interest in the matter, what was really done, both by the authorities of Ohio and Kentucky. By this it will be seen that the Governor of Ohio did not neglect to make the proper requisition, at the hands of the Governor of Kentucky, for the fugitive Kidnappers; and that, however derogatory the statute of Kentucky of 1820, may be to the Constitution of the United States; and however erroneous the decision of the court may have been, the authorities of Kentucky treated both the Executive of Ohio and his agent with the utmost respect and courtesy. Of this I have spoken in, what I conceived to be proper terms in my official report to the Governor of Ohio, as well as in my argument at bar in Kentucky.

I went to Frankfort a total stranger, with letters of introduction from two or three gentlemen of Cincinnati, which I did not at first present, preferring first of all, to present the official documents to the Chief Executive; that I might be respected, if at all, because I was the representative of Ohio, rather than on my own account or that of my friends. Governor Owsley received me with great kindness and cordiality, and immediately issued his warrant for the arrest of the fugitives, and on the day following the Sheriff reported them in custody. Judge Brown, who was charged with the hearing of the cause called on me at my lodgings to inform me that he would postpone all other business, and set the cause for hearing on any day or days which I might designate, and that he had instructed his Clerk to issue Subpoenas for any witnesses I might require, and requested Mr. Craig in whose custody Finney was, to allow me free access to him at all times for the purpose of preliminary consultation, suggesting, at the same time, his desire to hear all the questions involved fully discussed.

The Clerk, the Sheriff, and other officers performed their duty with equal alacrity, and promptness, and I had every facility for a full, fair and impartial investigation afforded me, not merely by the officers, but by the members of the bar and other private citizens, of character and influence.

In the progress of the case, it will be seen that not only Phinney's case, but incidentally, the subject of slavery itself, was discussed with plainness, at least, in the midst of a very large assembly of spectators, all of whom listened with profound attention, and none of whom manifested the least sign of disrespect or hostility.

I have thought proper to say thus much from a sense of justice to Kentucky, as well as for the purpose of explaining those parts of the argument which might otherwise be construed into flattery.

WILLIAM JOHNSTON.

Am. M. Co.

William Johnston
Slavery

Franklin Circuit Court, Kentucky, April 10th, 1846, before the
HON. MASON BROWN, Circuit Judge.

THE STATE OF OHIO v. FORBES & ARMITAGE.

SLAVERY—KIDNAPPING—FUGITIVES FROM JUSTICE

A writ was produced in open Court, issued by WILLIAM OWSLEY, Governor of Kentucky, setting forth that MORDECAI BARTLEY, Governor of Ohio, had demanded the persons of A. C. Forbes and Jacob Armitage, fugitives from justice, charged by affidavit, with having kidnapped Jerry Phinney, a free colored man, resident of Ohio, and that the Governor of Ohio had appointed William Johnston his agent, to receive said Forbes and Armitage, and bring them back to be tried under the laws of Ohio, upon said charge of kidnapping. The writ of Governor Owsley commanded the sheriff to arrest said Forbes and Armitage, and take them before a Circuit Judge, to be examined and dealt with according to the provisions of an Act, entitled "An Act to amend the Act reducing into one the several acts authorizing the apprehending of fugitives from justice:" Approved Jan. 27, 1820.

The writ bore the sheriff's return, that it had been duly executed on said Forbes and Armitage, who were then present in Court, in custody of the sheriff.

Mr. William Johnston appeared on behalf the State of Ohio, and Mr. Charles S. Morehead on behalf of Forbes and Armitage.

The Court asked the attorney for Ohio, if he desired to produce any testimony, tendering the power of the Court to enforce the appearance of any witnesses required.

Mr. Morehead read the statute of 1820, and waived all technicality touching the points of indictment, affidavits and identity.

Mr. Johnston would take no technical advantages; but he desired a fair investigation which should in good faith respect the rights and dignity of Ohio and Kentucky, and the result of which, be it what it might, should satisfy the authorities and the people, and allay excitement on both sides of the water.

Mr. Morehead presented the issues, that Jerry was a slave, and that Forbes and Armitage had the approbation of his owners, in taking him in Ohio, and delivering him to them in Kentucky.

After the introduction of the testimony, which is sufficiently stated in the opinion of the Judge,

Mr. Morehead opened the argument, stating his points as follows:

1. Under the peculiar writ issued by the Governor of Kentucky, and under which Forbes and Armitage were now before the Court, the *only enquiries* which could be made, were, is Jerry a slave? and had Forbes and Armitage the authority of the owner, or her approbation for his recapture?

Mr. Johnston replied, traversing the grounds of Mr. Morehead, and urging the following positions in support of the demand of the Governor of Ohio, for the fugitives, Forbes and Armitage:

1. The Kentucky statute of 1820, is at variance with the constitution of the United States, and the law of Congress of 1793, and void.

2. If the statute of 1820 be void, the Court has jurisdiction only of the question of identity, under the statute of 1815.

If the statute of 1820 be valid, and the Court has jurisdiction, then three questions of fact are involved.

1. Is Jerry a slave, and the property of any one?

2. Who is his owner?

3. Did Forbes and Armitage act as the agents, or with the approbation of the owner?

The second point is conceded, for if Jerry be a slave, Mrs. Long representing in her own right, and as administratrix of

her deceased husband, 26-27ths of Jerry, for the purposes of this case, may be considered the owner.

The third point is conceded also, as to Forbes, but insisted on as to Armitage, because there is no proof of the *express* approbation of the owner as to him.

The main question is upon the first point. Was Jerry a slave at the time Forbes and Armitage aided in seizing him at Columbus?

1. Slavery is contrary to the law of nature, contrary to the law of nations, and exists only by force of the municipal law of the land.

2. Slavery is strictly local, and confined within the territorial limits of the State where it is sanctioned, and cannot follow the fugitive beyond those limits, except by positive law, binding on both sides of the line.

3. The only law varying these great principles of natural and international law, is that to be found, 1st in the ordinance of 1787 for the government of the North Western Territory; 2d, in the Constitution of the United States; and 3d, in the Law of Congress of 1793, which latter cannot be so construed, as to extinguish the guaranty of liberty, contained in the ordinance of 1787, or to extend the rights guaranteed to the owners of fugitive slaves by the Constitution of the United States.

4. The clauses of the ordinance of 1787, of the Constitution of the United States and the law of Congress of 1793, authorizing fugitives from labor to be pursued into the North Western Territory, being contrary to the law of nature, contrary to the laws of nations, and restrictive of human liberty, must be strictly construed.

5. Strictly construed, these clauses can extend to but one case—that of an *escaping slave*. This implies a voluntary act of the slave contrary to the will of the master, and if by any other than by his own will he is carried into the North Western Territory, the relation of Slavery ceases as completely, as if he had been carried into France, or any other foreign State.

6. If the slave becomes free but for a moment, he can never again be reduced to slavery; not even by his own act, because the right of freedom is unalienable.

7. It matters not that the slave was carried beyond the line by a bailee to whom he was hired ; if he is carried over in the relation of a slave, even by a person having a temporary dominion over him, he becomes *ipso facto* free, and the owner has his right of action against the bailee for the loss of his services. The law governing chattels does not apply to property in human beings. God gave man dominion over, and property in the beasts of the field, &c., but the property in man he reserved to himself. The property in animals is natural and binding every where ; That in man is conventional, municipal, local, and to be kept within the literal meaning of the written law.

In answer to the positions of Mr. Johnston, Mr. Morehead continued :

1. That the question of the constitutionality of the Kentucky act of 1820, could not arise in this proceeding. In ordinary cases, the question is perhaps exclusively an executive one, except as to the single inquiry of identity. In this case the Governor of Kentucky had issued his writ in obedience to the requisition of the Governor of Ohio, in conformity with the act of 1820 ; and this Court had nothing to do but to make the inquiries directed by the writ. If the act of 1820 be at variance with the Constitution of the United States, and the law of Congress passed in pursuance thereof, the Governor might have disregarded it, and issued his writ as in ordinary cases, and this Court, it may be conceded, would be compelled to obey the Executive mandate upon proof of identity alone.— But there is no Executive mandate to deliver these persons to the agent of the State of Ohio, unless it is ascertained that Jerry is a free man, or that they acted without the authority or approbation of the owner.

The alleged fugitives cannot be delivered up under this writ, without the preliminary inquiries directed by the writ itself. The constitutionality of the act of 1820, cannot therefore arise, and need not be discussed.

2. Is Jerry a slave ?

1. Slavery is what the municipal law has made it, the rights growing out of which extra-territorially are guaranteed by the Constitution of the United States. Whether in conformity to

natural or to divine law is no question here, and ought not to affect in any degree the fair, liberal and just exposition of the laws securing those rights.

2. The ordinance of 1787 for the government of the north-western territory, it is true, declares "that there shall be neither slavery nor involuntary servitude in the said territory." But in the case of *Rankin v. Lydia*, 2 *A. M. Marshall*, 467, decided at the fall term of 1820, of the Court of Appeals, it is said, that "when the ordinance declares that slavery shall not exist there, it evidently means among the inhabitants and settlers, and not among the travellers or *sojourners* there. Their case is not affected by the provisions of the ordinance; against them no provision exists."

The same principle is recognized and enforced in the case of *Graham v. Strader, &c.*, 5 *B. Monroe*, 153. In that case the question is directly decided, that the owner of a slave, residing in Kentucky, does not forfeit his slave by taking him to Ohio, or permitting another to do so, where the object of the visit is temporary, or in other words, where the party taking him there was a mere sojourner, and not domiciled.

3. The slave Jerry being taken to Ohio by a mere bailee, without the approbation and against the consent of his owner, and that bailee not being domiciled in Ohio, and returning the slave to his owner in Kentucky, the ordinance of 1787 can have no effect on his condition upon the most technical and strict construction of the ordinance.

4. Jerry not being entitled to his freedom, in consequence of being taken to Ohio by a bailee, the manner of his afterwards leaving his owner, made him "*an escaping slave*," in the true and proper meaning of the terms.

5. After the return of Jerry by the bailee to his owner in Kentucky, she could have maintained no action against him, on the ground that he had become free, as settled by the before cited case of *Graham v. Strader*.

6. The ownership of the slave being admitted, and the power of attorney to Forbes fully proven, the law will imply that authority was given to him to make use of all necessary means to accomplish the object in view, and consequently that Armistage acted with the approbation of the owner.

7. The authority of the appellate Court is binding on this Court, and it is useless to discuss the correctness of decisions made elsewhere in conflict therewith.

OPINION OF THE COURT.—Alexander C. Forbes, and Jacob Armitage having been arrested by the Sheriff of Franklin County, under a warrant from the Executive, were brought before me in pursuance of the mandate thereof. The warrant after reciting that they had been demanded by the Governor of Ohio, as persons charged by affidavit before Alexander Patton, a Justice of the Peace, of Franklin County, Ohio, with seizing upon and by violence keeping in restraint, with intent to transport out of the State of Ohio, one Jeremiah Finney, said to be a free man of Ohio, but claimed as a slave of Kentucky, directed the said Sheriff to “apprehend and arrest the said Alexander C. Forbes, and Jacob Armitage, and upon their apprehension, to bring them before some Circuit Judge of this Commonwealth, that the said Circuit Judge may proceed by proper and legal testimony, to inquire into the matter, so far as shall be necessary to ascertain the identity of the said Forbes and Armitage, and their guilt or innocence in the premises, according to the statute of Kentucky, 27th January, A. D. 1820, in relation to fugitives from justice; and if they, the persons mentioned in this my warrant, be identified as offenders against the laws of Ohio, and be found not entitled to the benefit of the provisions of the said act of 1820, that the said Judge may order them to be delivered up to William Johnston, Esq., who has been duly authorized, by the Governor of the State of Ohio, to receive and convey the said Alexander C. Forbes, and Jacob Armitage, to the State of Ohio, to be dealt with according to law,” &c., &c.

The facts proved upon the inquiry, were substantially these :

Jerry Finney was born a slave in the house of Hezekiah Brown, of a colored woman named Rose. This woman and Jerry were held by Brown, not in his own right, but as the property of his wife; Rose having belonged to a former husband by the name of Long, by whom, previous to her marriage with Brown, she had eight or nine children, amongst others, Thomas Long. In the last will and testament of Heze-

kiah Brown, he loaned to his wife a number of articles of property, real and personal, amongst other things, the boy Jerry, to be held during her natural life, and after her death to go to her heirs. After the death of Brown, his executors, Henry Brown and John D. Richardson, executed a paper relinquishing to Mrs. Brown, who survived her husband, all claim on the part of Brown's estate to the boy Jerry, and declaring that they knew him to be her property, and part of her former husband's estate. Thomas Long, one of Mrs. Brown's sons by her former husband, purchased in his lifetime the interests of all the other heirs except three, and died, leaving Bathsheba Long his widow, who administered upon his estate, and purchased in her own right the remaining interests of the other heirs, except the third of one share, which is outstanding. Mrs. Long has settled up, and made distribution of all her husband's estate except Jerry. One of her children is still a minor.

Sixteen or seventeen years ago, Mrs. Brown, after her husband's death, hired the boy Jerry to a gambler by the name of Allgaier, who represented that he was going to work him on a farm in Woodford county, Kentucky—with a stipulation on Allgaier's part, that he should not take him out of the State.

Allgaier took Jerry to the State of Ohio, and kept him in his services there for six months ; when learning the fact, Mrs. Long, who held the remainder in Jerry, wrote Allgaier a letter, directed to him at Cincinnati, requiring him to return Jerry immediately, and threatening to sue him if he did not comply ; upon which Allgaier returned him to his mistress, Mrs. Brown, who was still living, now deceased. A few weeks after, Jerry asked permission to return to his last place of residence for his clothes, which his mistress gave him, and he went away and never returned till he came back in custody of Forbes and Armitage. Mrs. Brown advertised him as a runaway slave, and offered a reward for his apprehension ; and since then, knowing that he was in the State of Ohio, Mrs. Long has given three different powers of attorney, at different times, to different persons, to bring him back, but always failed. A short time ago, she, Mrs. Long, executed regularly, according

to law, a power of Attorney to Forbes, whom she at the time had never seen, to apprehend and return Jerry to her, at Frankfort, Kentucky. It is admitted that the prisoner at the bar is the same Forbes, and that the prisoner Armitage acted in the matter of Jerry's seizure, in conjunction with Forbes.

All the questions of law and fact, in any respect bearing upon the foregoing state of the case, have been argued with great zeal and distinguished ability, by the gentleman representing the State of Ohio, and the counsel retained by the prisoners, and I regret that the necessity for an immediate decision, and the other duties of the Court, now in session, prevent me from presenting and noticing in detail the various positions respectively taken, to illustrate and sustain the points so fully and ably debated by them.

It is urged in substance by the counsel for the State of Ohio:

1. That the statute of 1820 of Kentucky, is at variance with the Constitution of the United States, and the law of Congress of 1793, and void.

2. That if the statute of 1820 be void, the Court has jurisdiction only of the question of identity, under the statute of 1815.

3. That if the statute of 1820 be valid, and the Court has jurisdiction, then it is insisted that in view of the facts as proved, Jerry is by the paramount law of the land free, and cannot be regarded as an escaping slave.

4. That if Jerry be a slave, and the power of attorney valid, for the protection of Forbes, still is it not so as to Armitage, as there is no proof of the *express* approbation of the owner as to him.

The converse of these propositions is insisted upon by the counsel for the prisoners. He also insists that the constitutionality of the act of 1820 is not necessarily involved in this inquiry. That the executive is the sole judge of the terms and conditions upon which he will order the surrender of a fugitive, and that he alone is competent to decide whether he will or not be controlled by the act of 1820.

The second section of the fourth article of the constitution of the United States, and the act of Congress of 1793, respecting fugitives from justice, so far as they prescribe the mode for the arrest and delivery of fugitives, are addressed exclu-

sively to the Executive. The Constitution enjoins the duty, and the act of 1793 prescribes the mode and conditions under which that duty shall be performed. It is made strictly, and in terms, an Executive act. The Executive alone is required to order the arrest and direct the delivery. Indeed in the case of the State of South Carolina *ex parte Willard and wife*, *ads.* the State of New York, it was held that the demanding, apprehending, and conveying away fugitives from justice under the provisions of the Constitution, were ministerial acts, wholly entrusted to the management and discretion of the Executive, and were so exclusively of Executive cognizance, that they were excepted out of the State habeas corpus act of South Carolina, by the operation of the Constitution and laws of the United States. And when certain persons were brought up before a Judge of that State, by habeas corpus, who were under arrest by order of the Executive of South Carolina, for the purpose of being delivered to an agent of the Executive of New York, who had demanded them as fugitives from justice in that state, their discharge was moved on various grounds; but the Judge decided that he had no power or authority to discharge the prisoners, or in any way whatever to interfere with the mandate of the Executive. *See Sergeant's Constitutional Law*, page 395.

The act of Kentucky, approved 27th January, 1820, in relation to fugitives from justice, imposes restrictions upon the delivery of fugitives by the Executive, which restrictions are not found in the act of Congress of 1793, and it must rest with the Executive to decide whether he will recognize those restrictions as binding on him, or whether, disregarding the said act, he will direct an unconditional delivery of the prisoners.

The Executive has directed the prisoners to be delivered up on condition that they are not within the restriction of the act of 1820. Should I, by my mandate, direct them to be delivered to the agent of Ohio upon any other terms than those prescribed by the Executive, I would not only be exercising Executive power, but would be exercising the same in direct hostility to the will of the Executive.

As ancillary to the action of the Executive, it only remains

to inquire whether a state of case exists, under which a delivery is directed.

The act of 1820 contains the following provisions :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where any negro slave or slaves, have, or may hereafter run away from his, her or their owner, or owners, and take protection in any of the United States, and the owner or owners of such slave or slaves, by themselves, their agent or any other person with their approbation, shall have removed, or shall hereafter remove any such slave or slaves from any other State within the United States into this Commonwealth, and he, she, or they have been, or shall hereafter be indicted for the same, in any one of the United States, and the Governor of said State shall demand of the Governor of this State the person or persons so indicted, or who may hereafter be indicted, to be delivered to him agreeably to the Constitution of the United States and this State, it shall be the duty of the Governor of this Commonwealth, upon such requisition being made according to law, to issue his warrant to the Sheriff of the county where such supposed fugitive may reside, if he has a known place of residence, requiring him to take into custody such supposed fugitive or fugitives from justice, as are named in such warrant and indictment, and bring him, her or them before a Circuit Judge ; and if the Circuit Judge shall be of opinion that the person or persons named in such warrant and indictment, are the owner or owners of the slave or slaves named in such indictment, or that he, she or they acted as the agent, or by approbation of the owner or owners of such slave or slaves, it shall be the duty of the Judge to discharge the person or persons, taken by virtue of said warrant, out of custody.

SEC. 2. *Be it further enacted,* That if the Judge shall be of opinion that the person or persons taken into custody by virtue of the Governor's warrant, is not the owner or owners of the slave or slaves in the indictment found against him, her or them, in any one of the United States, for stealing and conveying a slave or slaves which are not their own property ; or that he, she or they did not act as the agent, or by the approbation of the owner or owners of such slave or slaves,

then it shall be the duty of the Judge to remand such person or persons into custody again, to be dealt with according to the laws now in force on that subject.

Three questions are embraced in the inquiry under the act :

1. The identity of the prisoners.

2. Was Jerry an escaping slave ?

3. If Jerry was an escaping slave, did the prisoners remove him from Ohio, as the authorized agents, or by the approbation of his owner ?

The identity of the prisoners, as the persons demanded, is admitted. The proof is satisfactory, that Forbes acted under a regular and duly authenticated power of attorney from Mrs. Long, and that Armitage acted with him and at his instance ; and a just construction of the act must regard Armitage, when thus acting, as acting under and by virtue of the power of attorney, and with the approbation of Mrs. Long.

It remains to inquire, whether Jerry, at the time of his removal from Ohio, was a fugitive slave.

It is true this question must be tested by the paramount law of the land, and did the evidence exhibit the case of first impression, every aid should be derived from, and respect shown to the adjudications of our sister States, in ascertaining what the law is upon the case as stated. But when the question has been fully adjudicated by the Supreme Court of our own state, such decision must be taken as conclusive evidence of what the law is. In this case Jerry was born a slave. He was never taken beyond the limits of Kentucky with the approbation or consent of his owner. His trip to Cincinnati and continuance there in the service of Allgaier, was without the knowledge and against the will of his owner. The bailment to Allgaier was limited both as to time and *place*. By the contract of hire he was expressly inhibited from removing him from the State of Kentucky. The act of Allgaier in taking him to Cincinnati, could not be more prejudicial to the rights of his owner, than if he had been taken there by a mere trespasser, or had been stolen and then removed.

When we recollect the spirit of compromise and concession under which the Constitution was adopted, and the deep interest which many of the States felt in the question of fugitive

slaves, it can scarcely be seriously contended, that the parties to that instrument ever intended that the right of service should, under such circumstances, be lost to the owner, and his power of reclamation cease. But the Supreme Court of this State, in the case of *Graham v. Strader*, 5 B. Munroe, 173, have expressly decided, that if the bailee of a slave, even with the assent of the owner, take him to Cincinnati for a temporary purpose, and while there employ him in his service, and the slave afterwards return to Kentucky, no right of freedom is thereby acquired. That case must be regarded as conclusive of the present question. The subsequent elopement of Jerry, after his return to Kentucky, under pretence of going to procure his clothes, made him an escaping slave.

It results, therefore, that the facts which have been proved upon the inquiry, show that the prisoners are within the protecting clause of the act of 1820, and that the warrant of the Executive does not justify an order for their delivery to the agent of the State of Ohio. All of which the Sheriff is directed to certify to his Excellency the Governor of Kentucky, upon the return of his warrant.

MASON BROWN.

APRIL 13, 1846.

Judge 17th Judicial District.

SPEECH OF MR. JOHNSTON.

May it please your Honor :

Without setting up any claim to modesty, I confess that I appear before you laboring under great embarrassment—such as I never before felt. Not that any inflammatory excitement is felt against me personally, for I know there is none. Not on account of any personal hazard to be incurred by anything I am about to say,—for I know I am safe—but on account of the novelty of my position, and the intrinsic importance of the cause in which I appear, and the vast moment of the questions involved in it. I come here

not to quarrel with the domestic institutions of Kentucky, nor to add to the excitement unhappily too great on both sides of the water. I had rather contribute my efforts to promote peace and good will between citizens of sister States, whose interests, rights and feelings are so nearly one; who have so often mingled the blood of consanguinity in the bonds of peace;—and the blood of patriotism on the field of battle, to secure the common blessings of union, liberty and law to both. I come here as the agent of the Executive of Ohio, with a legal requisition for certain persons charged as fugitives from justice. It is my mission to urge certain legal and international rights of the State which I represent; and I feel that in this community I may safely discharge that duty as fully and boldly, as if I stood in the halls of justice in the capital of my own State.

Before I ever set my foot in this State, one of the first incidents which called my attention to the character of its people, was the valedictory address of a veteran Statesman, who, having finished his career, and resigned the cares of public life, had come up, as he said, to lay his bones in Kentucky; because he knew that if they reposed in Kentucky earth, the foot of a tyrant should never tread upon them. And I feel a strong and abiding confidence, as I stand before you to day to debate these vexed and exciting questions, that if there be any spot on earth where the ashes of the dead or the rights of the living are secure, it is on the soil and in the judicial tribunals of Kentucky.

Let me then, as well as I may, overwhelmed by the kindness and the cheers of this venerable assembly, approach the question involved. And first: The statute of Kentucky of 1820, under which this proceeding is had, is at variance with the Constitution of the United States, and the law of Congress of 1793, and void. The statute runs thus:

“*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where any negro slave or slaves, have, or may hereafter run away from his, her or their owner or owners, and take protection in any of the United States, and the owner or owners of such slave or slaves, by themselves, their agent or any other person with their approbation, shall have removed, or shall hereafter remove any such slave or slaves from any other State within the United*

States into this Commonwealth, and he, she or they have been, or shall hereafter be indicted for the same, in any one of the United States, and the Governor of said State shall demand of the Governor of this State the person or persons so indicted, or who may hereafter be indicted, to be delivered to him agreeably to the Constitution of the United States and this State, it shall be the duty of the Governor of this Commonwealth, upon such requisition being made according to law, to issue his warrant to the Sheriff of the county where such supposed fugitive may reside, if he has a known place of residence, requiring him to take into custody such supposed fugitive or fugitives from justice, as are named in such warrant and indictment, and bring him, her or them before a Circuit Judge; and if the Circuit Judge shall be of opinion that the person or persons named in such warrant and indictment, are the owner or owners of the slave or slaves named in such indictment, or that he, she or they acted as the agent, or by the approbation of the owner or owners of such slave or slaves, it shall be the duty of the Judge to discharge the person or persons taken by virtue of said warrant, out of custody.

SEC. 2. *Be it further enacted*, That if the Judge shall be of opinion that the person or persons taken into custody by virtue of the Governor's warrant, is not the owner or owners of the slave or slaves, in the indictment found against him, her or them, in any one of the United States for stealing and conveying a slave or slaves which are not their own property; or that he, she or they did not act as the agent, or by the approbation of the owner or owners of such slave or slaves, then it shall be the duty of the Judge to remand such person or persons into custody again, to be dealt with according to the laws now in force on that subject."

Two questions of minor importance spring up under this act. First, are these persons within the meaning and protection of the Statute, not being "indicted" by a jury of inquest, but only charged by the affidavits of private citizens? and secondly, was the statute intended to protect any but persons having a legal residence in Kentucky? I suggest these points to the consideration of the Court without argument, and proceed to the main question—is the law constitutional? It will not be pretended that the Legislature of Kentucky have not a right, that it is not their duty in some cases to pass laws in aid of the Constitution, and for the purpose of directing the mode in which its provisions shall be carried out. The provision of the constitution, Art. IV. Sec. 2. is,—“ A person charged in any State with treason, felony or other crime,

who shall flee from justice, and be found in another State, shall, on the demand of the executive authority of the state from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

It was well remarked by my brother Morehead, that the delivering up of a fugitive from justice, under the constitution, was an executive act. It is so, not because the constitution in so many words designates the executive as the only proper department, for it does not. The act of congress of 1793 imposes this duty on the executive. The *mode* then of delivering up, may, nay, ought to be directed by statute. But no statute can be valid which thwarts the design of the constitution, or in any way impedes the action or impairs the powers of the executive demanding, or the executive delivering up, such fugitives. Thus, as by the act of 1815, the statute may direct that an issue be made before a judge of the court to ascertain the identity of the persons claimed as fugitives. But when the statute, as in the act of 1820, takes the case out of the hands of the executive, for the purpose of trying issues the result of which may defeat the ends of the constitution, it is unconstitutional and void, and the court has no jurisdiction under it.

The act of 1820 proposes to protect from the laws of the demanding State, the owners of slaves, the agents of slave owners, and persons acting by the approbation of slave owners; irrespective of the manner in which they proceed in recovering the slave, or what infractions of law they may have been guilty of in recovering him. Surely the constitution never intended such a thing as this.

The clause in the constitution authorizing persons to whom labor or service is due, to recover the persons held to such labor or service, does not authorize the claimant to seize them *sans ceremonie*, wherever they may be found—bind them hand and foot, and drag them away without proof of ownership, and in the teeth of the laws of the State whither they may have escaped. It says, "They shall be delivered up on claim of the party to whom such service or labor may be due." "Delivering up," implies some act by authority, in the state to which the fugitive had fled—not an act of physical force

on the part of the claimant. And so the congress of 1793 understood the constitution. It is there provided, "That, when a person, held to labor in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person to whom such labor or services may be due, his agent or attorney is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city, or town corporate wherein such seizure or arrest shall be made ; and, upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the state or territory to which he or she fled."

Clearly this act contemplates a judicial examination as to the right of the claimant. It contemplates no other mode of reclaiming, and, as this act was passed in aid of the constitution, by a congress, composed to a great extent of the same men, who but five years before had framed the constitution ; it may well be received as a fair exponent of that instrument. But whatever protection the owner of the escaping slave may take under the constitution, without such judicial examination as to the ownership, clearly the agent can take none. Agents, in such cases, are not known to the constitution, nor to the ordinance of 1787. The statute of 1793 is the first enactment in which agents are known ; and that act provides for such examination.

We in Ohio think such examination indispensable to the cause of justice and humanity. We see nothing but endless confusion, injustice and oppression growing out of the right to drag men, women and children from their homes without such

examination. We see encouragement given to a horde of pirates who infest the waters of the Ohio on both its banks, and make man-catching a trade.

I do not say these wretches are Kentuckians. They are to be found on both sides of the water, and do not deserve a name or local habitation on either. They are the enemies of the human race: without sympathy for any body, and entitled to sympathy from nobody: men who will steal your slave *from* you to-day, and sell him to you to-morrow.

There is a distinguished character now in the Ohio penitentiary, who made a fortune by first persuading slaves to run away from their masters, quartering them on credulous black people, (who, on account of their color, could not be witnesses against him,) till a reward should be offered, and then conveying them back again for the reward. There are unfortunately others out of the penitentiary who follow the same calling; until, if you were on the southern line of Ohio, you would almost imagine you were on the slave coast of Africa.

About eight years ago a free colored woman, born in Ohio, and residing in Brown county, in the absence of her husband, was seized, and, without examination, or any forms of law whatever, carried into Mason county, Kentucky, and lodged in jail, under pretence that she was the slave of Arthur Fox, High Sheriff of Mason county. Mr. Fox disclaimed ownership in her; and then she was retained in prison under pretence that she was the slave of Mrs. Johns of New Orleans. Mrs. Johns also disclaimed her; and, then being in prison as a runaway slave, she was subject to be sold at the end of fourteen months for jail fees. She was only set at large by executive interposition. I mention this case, not because it is a singular one, but because I happen to be familiar with it, and because it is a matter of record in both states. Cases far more aggravated, of which no record exists, have often occurred. Men believed to be freemen, have been knocked down with a colt in the streets, in the night season, dragged into boats, and carried—God only knows where.

To prevent such outrages, the legislature of Ohio have enacted two statutes against kidnapping. The one against seizing and carrying away free persons: the other against seizing

and carrying away any person whatever, without a hearing. These statutes of Ohio in no wise contravene the Constitution of the United States or the act of 1793, nor embarrass the owners of fugitive slaves in recovering their property. Ought not these laws to be respected ?

Forbes and Armitage stand charged by affidavit under both these statutes. We say Jerry was, by operation of law, a free man, and that in seizing and carrying him forcibly away, they were guilty of kidnapping. The act was perpetrated in Ohio, by citizens of Ohio, and the tribunals of Ohio alone have jurisdiction of the matter. They alone have a right to inquire whether, under the laws of Ohio, such a state of facts exists, as to bring these men within the law against kidnapping.—

Again : we say that even if Jerry was a slave, Forbes and Armitage had no right to carry him away without a fair hearing under the act of congress of 1793 ; and that in so doing they were guilty of kidnapping. And the act being perpetrated in Ohio, we claim for the Ohio tribunals the sole right to try the question, whether they did thus seize and carry him away without trial, or upon a mock trial, or in any way in violation of the laws of Ohio.

Is this claiming too much on the part of a sister in the glorious confederacy ? Are not the rights and claims of a sister state to be respected in a case like this ? Yet this act of 1820 steps in, as I insist, in violation of the Constitution and laws of the United States, and takes the case out of the hands of the executive and transfers it to the Judiciary, to try questions which belong to the tribunals of Ohio alone. The executive obeys implicitly the statute of 1820, and it is for this court to determine, if your Honor should be satisfied that the statute is void, whether it will take jurisdiction of the matter ; or simply try the question of identity under the act of 1815.

If, however, it should be held that the statute of 1820 is valid, then three questions of fact will arise.

1. Is Jerry a slave ?
2. Who is his owner ?
3. Did Forbes and Armitage act as the agents or with the approbation of the owner ?

Upon the second question I do not propose to raise a doubt,

for, if Jerry be a slave at all, it may be conceded that Mrs. Long is the owner: for, either in her own right, or as the executrix of her deceased husband, she represents twenty-six-twenty-sevenths of him; so that if he be the property of any body, he is the property of Mrs. Long.

The third point may be conceded also, so far as Forbes is concerned; because it is in evidence that he acted under a power of attorney, regularly executed by Mrs. Long. But there was no power of attorney authorizing Armitage to act in the premises; nor is there any proof of *express* approbation of his conduct on the part of Mrs. Long; nor any other approbation except what she may have bestowed on him after he arrived at Frankfort with Jerry in his custody. If approbation *ex post facto*, be contemplated by the act of 1820, I have not another word to say on this point. But I believe the statute means no such thing.

But the first is the leading and controlling question. Was Jerry a slave at the time Forbes and Armitage seized him at Columbus? Because, if he were not a slave, neither Mrs. Long nor any one else could be his owner; and all authority to act, based upon such ownership, falls to the ground; and all acts under such nugatory authority are without the protection of the act.

This question, whether we will or not, leads to discussion of the institution of slavery, as it has existed, and now exists in the United States.

And first: Slavery is not recognized by the law of nature. This broad self-evident truth is laid down in the Declaration of Independence,—“that all men are created equal; that they are endowed by their Creator with certain *unalienable* rights; that amongst these are life, liberty and the pursuit of happiness.” The great men who put forth this declaration did not mean to say all men, *except negroes*, are created equal, and endowed by their Creator with the *unalienable* right of liberty. Nor did they mean by this declaration to annul existing institutions at variance with this great self-evident truth,—as slavery undoubtedly is,—but they meant then, and for all future time—for themselves and their posterity—to set up this great, self-evident moral truth, as the standard by which all law, and all civilization,

should thereafter be tried ; not to unravel an evil already too intimately interwoven with the warp of society to be removed without destroying its texture ; but in the name of their country, whose independence they sought to establish, and in the name of the Creator, who bestowed these “unalienable rights,” to protest against its future progress.

This doctrine is in strict accordance with the original charter given by God to our great ancestor, before sin or oppression had marred the beauty and glory of his new creation. With the archetypes of all that was beautiful and good before his mighty eye, “God said, Let us make man in our **OWN IMAGE**, after our likeness ; and let them have *dominion* over the fish of the sea, and over the fowls of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man **IN HIS OWN IMAGE** ; in the image of God created he him ; male and female created he them.” As they **stood** thus before the bridal altar, glowing in the charms of youthful love, with this immense dowry before them, he pronounced upon them his parental benediction, and delivered them the charter of their future estate: “And God blessed them, and said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it : and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.”

All that was not conveyed to man by this charter, the Grantor reserved to himself. And that there might be no misunderstanding, either as to the property granted, or names of the creatures included in the grant, he gave him “livery of seisin—” brought the mighty menagerie “to Adam; to see what he would call them; and whatsoever Adam called every living creature, that was the name thereof.” As if God had said to man—Catch that bounding steed, and put thy brand on his crest, and thy caparison on his back, and make him bear thee whither thou shalt list. Seize that powerful ox, and, putting thy yoke on his neck, compel him to plough the soil. Shear that sheep, and clothe thyself with his fleecy spoils. Snatch down the eagle from the cloud, and draw up leviathan from the deep. Make all living creatures in the heavens above, in the earth beneath, and in the waters under the earth, thy slaves; for

they are thine: but as for thee, and thy posterity by this beautiful bride, I have stamped *my own image* upon you. YE ARE MINE! Thus stood the *meum* and *tuum* of the pristine world.

It is not pretended that the divine law of property, thus laid down, has been always respected; or that slavery has not existed since a very early period of history. Alas! who can look around him on the wrongs and oppressions which wring the hearts of innocent millions without, or feel the workings of ten thousand bitter pangs within, without acknowledging that society has been sadly bruised and disjointed by the fall of man! The first man that was born of woman, murdered the second; and thus on, depravity, disorder, and oppression spread over the whole inhabited earth. We see wars arise, and prisoners of war sold into slavery; nay, whole nations carried away captive, and sold into bondage as a punishment for their crimes, the nations thus punishing them frequently not less criminal than themselves. We see depravity and wickedness, by Divine permission, working out their own penalty and their own cure: but this does not altar the Divine law. Still property in man is contrary to the law of nature. It exists, and is tolerated, in society like some hereditary disease; not as a part of man's original constitution, nor as his constitution ought to be, but superinduced by remote causes at first, and now too deeply fixed to be amputated or rooted out, without inconvenience, pain, or loss of life. It was with reference to this great principle, that, although slavery existed in some form or other, as a local institution in almost all nations, and in Rome herself, it was one of the laws of the twelve tables of Rome, that whenever there was a question between liberty and slavery, the presumption should be on the side of liberty.

But again. Property in human beings is not only contrary to the law of nature, but is contrary to the law of nations.—There is no existing obligation, moral, legal, or international, on the part of one state, to deliver up fugitive slaves from another state. I know that a dictum from the court in the *Amistad* case* has been often referred to, to establish a differ-

* 15 Peters' R., 518.

ent rule, but that dictum is clearly not to the point. In that case the captive negroes were claimed, not upon any principle of international law, but under the existing compact of 1795, between Spain and the United States, for the mutual delivery of property in certain cases. The case did not require a decision under the treaty, because the negroes in controversy never had been lawfully slaves.

I say it is contrary to the law of nations, not because it is so written in the black-letter books, but because, for a quarter of a century, the traffic in slaves has been condemned by all the civilized nations of Europe and America. Because the ministers of the principal European powers, in the Congress of Vienna in 1815, solemnly declared in the face of Europe and the world, "that the African Slave trade had been regarded by just and enlightened men in all ages, as repugnant to the principles of humanity and universal morality, and that the public voice of all civilized countries, demanded that it should be suppressed ; and that the universal abolition of it was conformable to the spirit of the age, and the generous principles of the allied powers." Because, as early as 1821, there was not a flag of any European States, which could legally cover this traffic, to the north of the Equator. Because, by the act of Congress of 1820, and by the Act of the British Parliament of 1824, it is declared to be piracy, and punishable with death.

It will be asked how these acts can affect slavery as a domestic institution. I answer that they in no wise affect it, so long as it is domestic and stays at home. But they stamp upon it the character of a domestic, a local institution. They forbid it to travel on the high seas ; and the same principle of law, adjudged by the judicial tribunals of the several states, forbid it to travel by land.

Slavery is then *strictly local*. About this there can be but one opinion amongst those who have examined the subject. In most of the British Colonies, till recently, slavery has existed from time immemorial. We are to-day indebted to Great Britain for the institution amongst us. - It was one of the counts on which Mr. Jefferson in his original draft of the Declaration of Independence, indicted the British King—that "he had waged cruel war against human nature itself, violating its

most sacred rights of life and liberty, in the persons of a distant people who never offended him—captivating, and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *christian* King of Great Britain, determined to keep open a market where MEN should be bought and sold: he had prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.”* Yet, tho’ slavery has been thus tolerated as a local institution in the provinces of Great Britain, it has been justly the boast of every Englishman, in the eloquent language of Curran, “that the spirit of the British law makes liberty commensurate with, and inseparable from the British soil”—that it “proclaims, even to the stranger and sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of UNIVERSAL EMANCIPATION! No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst from around him, and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of UNIVERSAL EMANCIPATION.”

Such, too, is the common law of France. Property in human beings is strictly local, and cannot exist for a moment, after the slave passes the territorial limits into a state where slavery is not tolerated. And this principle of law in France is clearly recognized by the Courts of Louisiana, where this peculiar institution is far dearer to the people than it is to the people of Kentucky.† In the case of *Maria Louisa vs. Mariat* and others,† the defendants had carried a colored girl, admit-

* Jefferson's Works, Vol. IV.

† 8 Louisiana Rep. 475.

ted on all hands to have been a slave in Louisiana, into France, where slavery is not tolerated, and brought her back into Louisiana as a slave ; Justice Matthews holds the following language : " The question is, whether the fact of her having been taken to that kingdom by her owners, where slavery or involuntary servitude is not tolerated, operated on the condition of the slave so as to produce an immediate emancipation. That such is the benign and liberal effect of the laws and customs of that state, is proven by two witnesses of unimpeachable credibility. This fact was submitted to the consideration of the jury who tried the cause under the charge of the judge, which we consider to be correct, and was found in favor of the party whose liberty is claimed. Being free for one moment in France, it was not in the power of her former owner to reduce her again to slavery."

This principle has been held in our own country in every instance where the nature of the case made it necessary or proper for a court to express an opinion. Without multiplying cases to prove a position that will hardly be doubted, in the case of *Jones vs Vanzandt*,* Justice McLean says ; " Slavery is local in its character. It depends on the municipal law of the state where it is established. And if a person held in slavery, go beyond the jurisdiction where he is so held, and into another sovereignty where slavery is not tolerated, he becomes free. And this would be the law of these states, had the Constitution of the United States adopted no regulation on the subject."

" Recaption," says the judge, " has been named as a common law remedy. But this remedy could not be pursued beyond the sovereignty where slavery exists, and into another jurisdiction which had entered into no compact to surrender the fugitives. There is no general principle in the law of nations, which would require a surrender in such a case."

We have seen that by the law of nature, by the law of nations, by the common law of England, by the common law of France, and by the common law of our own country, slavery is strictly local. That property in slaves, unlike that in any-

* 2 McLean's Rep., 596

thing else, is incapable of crossing the territorial line, from one state to another. Within the territorial limits of a state, men, women and children may be bought and sold like "beasts of the plough," and property in them may be cherished and protected by the municipal laws of the state. They may be subjected to the rule of task-masters, with power to command—to scourge—to exact their sweat and labor. They may groan under their burdens as the Hebrew vassals groaned under Egyptian bondage—without any human ear to hear their complaint, or any human law to relieve their sufferings. But on the territorial line separating one state from another, "the genius of universal Emancipation," stands like the spirit of Omnipotence on the waters of the Red Sea, to let the slave pass over; to intercept the master's pursuit; and to overthrow and overwhelm the prancing horse, the rattling chariot, and all the pomp, and all the pride, and all the power of pursuing forces.

What then is there to change or limit this great pervading principle of liberty and law? The only law varying this great principle, in its application to American institutions, is that found, 1. In the ordinance of 1787 for the government of the Northwestern Territory; 2. In the Constitution of the United States; 3. In the act of Congress of 1793. For this law, whenever it occurs, I shall insist on a strict and literal construction.

The ordinance of 1787 is two-fold. The first part municipal and temporary, the second general and perpetual. The former for the government of the territory only, and to remain in force until the other laws should be established, and no longer: the latter unalterable and inherent in the bond of confederacy between the states. Or, to use its own broad, deep, and unmis-takeable language: "It is hereby ordained by the authority aforesaid, that the following articles shall be considered as articles of Compact between the original states and the people and states of said territory, and forever unalterable except by common consent, to wit:"—And here follow six articles of older law than the Constitution of the United States, The Constitution of Kentucky, or the Constitution of Ohio, and paramount to them all. The sixth of these was intended forever to prohibit slavery northwest of the Ohio river, without

disturbing rights already acquired in this species of property in the old states. "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted : provided always that any person *escaping into* the same, from whom labor and service is lawfully claimed in any of the *original states*, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

The general rule laid down in that document, is, "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." The restriction to this general rule, is, "Provided always, that any person *escaping into* the same, from whom service or labor is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid." This general rule, securing freedom, cannot be annulled by any state, or United States convention : and lest it should be overlooked or forgotten, it is copied verbatim into the constitution of Ohio : There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted." The restrictive clause, tho' not so literally copied, is preserved with equal care, in the constitution of the United States : "No person held to service or labor in one state, under the laws thereof, *escaping into* another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due." But neither the constitution of the United States, nor that of Ohio, pretends to alter, enlarge, or diminish the ordinance of 1787. It is still in full force, and paramount to both.

Mark you then their peculiar language. "*Escaping into*, are the words employed in each and all of these documents. "*Escaping*" implies a voluntary act of the slave, contrary to the will of his master. If he thus *escape*, he drags his chain with him. He may flee from state to state all over the Union,

and into what state soever he may fly, where the ordinance of 1787, or the constitution of the United States is in force—

“He drags at each remove a lengthened chain,” but the moment he sets his foot on the soil of the Northwestern Territory, by any other means than by his own voluntary *escape*, he becomes *ipso facto* free. Every lock, and bolt and link of his chain melts into thin air ; and his emancipated limbs, charmed by the spirit of freedom, are proof against all future manacles.

These restrictive clauses, by all known and universal rules of construction, must be strictly construed. That in the ordinance, on which both the others are founded, should be strictly construed, because it is a proviso, a saving clause, limiting and restricting the general rule of the law. Freedom is the rule ; slavery in a certain case, is the exception. The body of the law protests forever against slavery and involuntary servitude. The saving clause provides that *escaping* slaves may be reclaimed. The great object of the law is first to be considered, and if the exception were wholly repugnant to the law, it would be void. It is not wholly repugnant to the law, but it is restrictive of its ends, and must be understood literally—to mean what it says, and no more.

But there are still higher reasons for the strict construction of these clauses. They are repugnant to the law of nature, by which all men are created equal, and endowed with the unalienable right of liberty. They are repugnant to the law of nations, which recognizes no right on the part of a slave owner to pursue an escaping slave beyond the territorial limits of his own state, and which makes him free the moment he sets his foot upon the soil of a state where slavery does not exist.—They are repugnant to the common law of England, from whence we derive our civil jurisprudence, and the common law of our own country, which does not recognize property in human beings. More than all, they are restrictive of human liberty, and must be strictly construed—as much so as criminal statutes, under which the life and liberty of a citizen may be taken away.

Hitherto we have discussed abstract principles, applicable alike to every case. Let us for a moment look at what may be called *Jerry's peculiar case* ; and see whether he is a slave or a

free man. He has been twice in Ohio ; and it is remarkable that he did not "escape" thither in either case. He has returned twice to Kentucky, without his own volition in either instance. The second time he visited Ohio, it is not pretended that the present claimant, Mrs. Long, did not give him permission to go. He asked permission to return for his clothes, and she granted it. Where ? To the place where he had served Allgaier. Where was that ? At Cincinnati, where Mrs. Long had learned that Allgaier had taken him, and to which she directed her letter, threatening him with a law-suit if he did not bring Jerry back. At this time, then, he went by permission of his mistress ; as much so as if she had come herself, with Jerry attending on her as a servant. He went by her direction on her business, to a state where slavery is not tolerated ; and if, indeed, we can suppose he was a slave after his return with Allgaier, this last act made him free. In the case of *Ohio vs. Hoppess*,* tried on habeas corpus before Judge Read of the Supreme Court of Ohio ; this doctrine was clearly laid down. And although the facts of the case, in his opinion, did not authorize the discharge of Watson from the defendant's custody, the Judge lays down the doctrine thus : "If a master bring his slave into the state of Ohio, he loses all power over him. The relation of master and slave is strictly territorial. If the master take his slave beyond the influence of the law which creates the relation, it fails—there is nothing to support it—and they stand as man and man. The slave is free by the laws of the state to which he has been brought by the master, and there is no law authorizing the master to force him back to the state which recognizes and enforces the relation of master and slave."

The same doctrine is laid down by Justice McLean in the Circuit Court of the United States, in the case of *Jones vs. Vanzandt*,† which was an action brought under the act of Congress, by the master, against a citizen of Ohio, for aiding fugitive slaves to escape from labor, &c. The Judge holds this clear language : "Now if the slaves left the service of the plaintiff, with his consent, or in any other mode, except as fugitives from labor, and come into the possession of the de-

* *Western Law Journal*, 270. †2 McLean's R. 596.

fendent, as alleged, the plaintiff has no right to their services, and still less, to recover from the defendant their value."

So, too, the rule was held by Chief Justice Shaw of Massachusetts, in the case of *Massachusetts vs. Avis*.^{*} In this case the slave Med was carried into Massachusetts for a very temporary purpose indeed—merely to wait on her mistress while on a visit to her father and friends in Boston, and then return again to New Orleans. The opinion of the Judge is a very elaborate one, and is in itself a valuable digest of the law of slavery; and after examining numerous authorities from different states, he comes to this conclusion: The "constitution and laws of the United States, then, are confined to cases of slaves escaping from other states, and coming within the limits of this state without the consent and against the will of their masters, and cannot by any sound construction, extend to a case where the slave does not escape, and does not come within the limits of this state against the will of his master, but by his own act and permission. This provision is to be construed according to its plain terms and import, and cannot be extended beyond this, and where the case is not that of an escape, the general rule shall have its effect. It is upon these grounds, we are of opinion, that the owner of a slave in another state, where slavery is warranted by law, voluntarily bringing such slave into this state, has no authority to detain him against his will, or to carry him out of the state against his consent for the purpose of being held in slavery."

In support of this doctrine, Chief Justice Shaw cites two cases amongst others, which I beg leave to refer to, not because they are stronger than fifty others which might be cited, but because they are the decisions of one of the best and purest of the Judges of the United States court, himself born and educated in a slave state, and a slave-holder. I refer to the decisions of Justice Washington, in the cases of *Butler vs. Hopper*,[†] and *Ex parte Simmons*.[‡] In the former of these cases it was held in terms, that "the provision of the constitution does not extend to the case of a slave voluntarily carried by his master into another state, and there leaving him under the protection of some law declaring him free." This was a case somewhat pe-

^{*}Law of Slavery, 357. [†]4 Wash. C. C. Rep. 396. [‡]1 Wash. C.C. Rep. 499.

culiar, as the master claimed the benefit of a law of Pennsylvania, allowing members of Congress and sojourners to retain their domestic slaves; both of which rights he had forfeited; the one by ceasing to be a member of congress, and the other by becoming a resident. But the case is an authority to this point; that the claimant of a slave, to avail himself of the provisions of the constitution of the United States, must bring himself within their plain and obvious meaning, that they will not be extended by construction, and that the clause in the constitution is confined to the case of a slave escaping from one state and fleeing into another. The latter case was an application under the act of congress of 1793, for a certificate of ownership, to enable the master to carry away a slave; and the same Judge held, "that both the constitution and the laws of the United States apply only to fugitives, escaping from one state and fleeing into another, and not to the case of a slave voluntarily brought by the master." In the case at bar, the slave neither *escaped from* one state, nor *fled into* another.

What has been said in relation to the second time Jerry went to Ohio, applies with equal force to the first. Perhaps with greater force in Kentucky.

I am well aware that it has been held by the Court of Appeals of Kentucky, in the case of Graham vs. Strader, and in some older cases, that for the temporary purpose of a mere sojourner, a slave holder may take his slave within the North-western Territory, without forfeiting his property. But there is no case in the books in Kentucky or elsewhere, that I have met with, where it has been decided that a man actually domiciled in Ohio, as Allgaier was, may keep a slave at hard labor for six months, without an infraction of the constitution or the ordinance, which forever inhibit "slavery or involuntary servitude," within the territory into which he has voluntarily gone. Surely no judicial tribunal has attempted to extend the municipal law of Kentucky, by which alone slavery exists here, into Ohio.

I have said that slavery is strictly local, and that its limits are territorial. Then on every principle of state sovereignty, an obligation arises on both sides to let each other, and each

others local and domestic institutions above. "Hands off," is the principle. The people of Ohio have no right to say, you shall, or shall not, do this or that with your slaves. If it be a sin against Heaven, upon you and your children be the consequences. If it be a political evil, you and your children shall be the sufferers. But as for us, we have no right, no power, — I trust no disposition to intermeddle. But while we thus disclaim all right to intermeddle with the institutions of Kentucky, we insist upon the mutuality of the obligation. Slavery may not come upon the soil of Ohio, or even leave its footprint in the sand above the low water mark. The ordinance of 1787, like the blessing of a patron saint, infused into the soil of Ohio an incapacity to support the footsteps of any other than a free man. The name of Nathan Dane is as dear to us as the name of Daniel Boone is to Kentucky. We are not privileged to inter his bones and erect his monument as our Capital.* But he has a more enduring monument in the results of his far-seeing policy. This ordinance has clothed thousands of fields with waving corn; covered thousands of hills with bleating sheep; set in motion a thousand plashing water-wheels, and ten thousand busy spindles; erected thousands of free and public schools; and made thousands of hardy intelligent peasants, as with their sunburnt sons at their heels, each tills his hundred and sixty acres of land, exult in the thought that there is no state like the state of Ohio. Yet if the doctrine should be established, that this ordinance is only to affect the rights of those who reside within the Northwestern Territory, and that those who reside out of it, though parties to the compact, are not bound by it, but may carry their slaves with them, when and where they please, to work an hour, a day, a week, a month, or six months; then this ordinance the poor man's shield, the free man's boast, the inspiring soul of the North-Western Territory, is frail and worthless as a withered leaf driven before the autumnal winds.

Let us take a plain case, and see whether the domicile of the master can affect the question. A rich slave-holder in Kentucky, opposite Cincinnati, quarters on the bank of the

* The remains of Daniel Boone have recently been removed from Missouri and deposited in a new cemetery at Frankfort, where an elegant monument is to be erected to his memory.

river one thousand able-bodied slaves, and furnishing each of them with a horse and dray, sends them over every morning at sunrise to compete with the free laborers of Cincinnati, requiring that each shall be in quarter in Kentucky, before the sun goes down, lest any one might suspect that either the slave or his master was domiciled in Ohio. May he exercise this privilege? By the constitution of the United States, "The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." Thus, the life, the liberty, the character, the property, of every Kentuckian who comes on the soil of Ohio, are as sacred, not merely to the law, but to the hearts of the Ohio people, as if they were their own. But may a citizen of Kentucky, merely because he is domiciled in Kentucky, exercise in Ohio, a privilege denied by the ordinance, and by the constitution of Ohio, to her own citizens? And is the law of "escaping slaves" applicable to each of these 1000 negroes, every evening when he returns to his quarter? If so, then slavery and involuntary servitude may be superinduced on Ohio by any citizen of Kentucky, or by any citizen of Ohio, who shall choose to build his house south-west of the Ohio River, in spite of all the ordinances and constitutions in the universe.

Let me ask you, sir, what was the condition of Jerry during the six months he worked in Ohio? Was he a free man or a slave? "He was a fugitive slave," some gentleman on my left suggests, and I thank him for the suggestion. And pray, sir, what is a fugitive slave? The ordinance of 1787, the constitution of the United States, and the act of congress of 1793, all define it in the same way. A person owing labor or service, &c., "*escaping into*" the territory. The word "*fugitive*" does not occur; the less classical but more pregnant word "*ESCAPING*" does. Did Jerry come into Ohio as an "*escaping*" slave? He no more "*escaped*" into Ohio with Allgaier, than he "*escaped*" out of it with Forbes and Armitage. Can any man, bound hand and foot, and without his own volition carried across a river into another state be said to "*escape*?"—Jerry, to be sure, was not literally bound hand and foot; and to the observation of one who did not know his condition, seemed to have all the attributes of a man. But not so. The

fetters of the law were upon him. He did not possess, in his own right, one attribute of a man. He was a slave—the slave of Allgaier, who for the year had as complete dominion over him as Mrs. Brown could have had. It was his duty to feed, clothe, house and physic him. It was his privilege to command, govern and punish him. He said to him, Go, and he went; come, and he came; Do this, and he did it. Jerry's heart might have belonged to some one else, but his hands were the hands of Allgaier; his feet were the feet of Allgaier; his *will* was the will of Allgaier; and by the *will* of Allgaier, and not his own, he was brought to Ohio. Call you this an escaping slave?

Again I ask your honor, what was the condition of Jerry during the six months he served Allgaier in Ohio? He went to Ohio a mere chattel, without a hand, a foot, a will, or an action of his own; and could in no sense be considered an escaping slave. He could not be a slave in Ohio, other than an *escaping* one, else the ordinance of 1787 is perfectly nugatory. If Jerry was not in a state of FREEDOM during this six months, he was in a state of profound mystery. I hope one day to see with better eyes, and hear with better ears, but while I remain in this muddy vesture of flesh and blood, I shall never be able to penetrate this mystery.

I have heard the fine spun distinction taken, between the right to be free, and freedom itself. But however much force may be in this distinction in a state where a colored man is *prima facie* a slave, and where persons are sometimes wrongfully kept in slavery, who by law are entitled to be free, it can have no force whatever where a slave, without “escaping,” comes into a state where every man not a criminal, is not only *prima facie* but absolutely free. This distinction was repudiated in the case of Lunsford vs. Coquillon,* and the rule held that in a free state whosoever was entitled to freedom, was in fact already free. Being free, then in the language of Justice Matthews, before cited, “but for a moment,” he could never again be reduced to bondage. Never! Not even by his own voluntary act, for the right of liberty being unalienable, he could neither sell it, nor give it away, nor in any other way

* 14 Matthews Rep. 401.

forfeit it, except by the commission of a crime. The runaway slave may return to his master and remain a slave, because by "escaping" he does not change his condition, and he never was free : but the man once made free by operation of law, can never again become a slave.

But it is useless with the existing state of facts, to moot the question whether a freed slave may voluntarily alienate his freedom, and go back into slavery ; because, in this case, Jerry came as he went, not by his own will, but by the will of Allgaier. And in thus carrying a free man into slavery, Allgaier committed an act of tortious violence, which could in no way affect the rights of Jerry. I say his act was tortious, although no physical violence may have been offered ; because it matters nothing whether an act of oppression be perpetrated under pretence of authority where none exists, or by physical violence without such pretence. Jerry was a free man without knowing it. Allgaier enslaved his mind—riveted on his imagination the chains of the law—and thus imprisoned and manacled, carried him back and delivered him to his former owner. This could in no wise be considered the voluntary act of Jerry, nor so construed as to affect his rights. And so the rule was held by Justice Martin of Louisiana, in the case of *Lunsford vs. Coquillon*, just cited. So, too, the rule was recently held by Justice McLean, in the Circuit Court of the United States in Indiana, in a case not yet officially reported, where the master had brought his slave from Kentucky within the limits of a free state, and taking the alarm, lest they should be induced to leave him, took them, for greater security, to the state of Missouri. In this case the judge held that it was not necessary to pass upon the question whether the slave might waive his right of freedom after it had accrued, and again return into slavery, because in that case they passed over to Missouri in custody of the master, as slaves. That the master was guilty of a tort in thus taking them over, and that their rights could not be affected by this act. On this point I need not multiply cases. The books are full of them ; and if they were all blank on the subject, common sense would speak out and say that a slave, while in the custody of his master has no will. This is the great point of distinction between a free man

and a slave. The free man has a will ; the slave has none. Then whatever rights Jerry may have acquired, in going to Ohio by the will of his master, came with him back to Kentucky, because they could not be taken from him by the act of Allgaier.

But we are met with the fact that Allgaier was a bailee merely. Agreed. He was a bailee for hire for the term of one year, and his dominion over Jerry, though complete while it lasted, was of limited duration. But a bailee can no more establish slavery in the Northwestern Territory, by carrying slaves into it and working them, than their lawful owner can. The prohibition is broad and comprehensive. "There shall be neither slavery nor involuntary servitude within the Territory,"—without any exception in favor of bailees or bailors. There shall be no slave labor in the Territory, and no person reclaimed as a slave, unless he shall have *escaped into it*.

We are told that it would be a great hardship if Allgaier, by his faithlessness, should be permitted to deprive this lady of her property. If I remember rightly, this Allgaier was a gambler by profession; and if so, it was his trade to rob poor women of their property, and poor children of their bread, and leave them without remedy. But Mrs. Long was not left without remedy. She had her right of action against Allgaier for the loss of Jerry's services; and that was her only remedy. This remedy she seems to have understood well enough, when she wrote a letter to Allgaier at Cincinnati, threatening to sue him if he did not immediately bring back her slave.

It is said, indeed, by lawyers, that a bailee for hire cannot so dispose of the bailor's property as to hazard the rights of the bailor; and that so far as the rights of the lawful owner are concerned, there is no difference between a breach of trust and a larceny. And applying this principle of law to the present case, Allgaier's act, in taking Jerry to Ohio, contrary to the injunction of his mistress, no more affects her rights than if he had been stolen, or taken away from her by force. This principle of law is doubtless correct in relation to property in ordinary chattels, but can have no application to property in human beings. If Jerry had been a horse or any other animal, in which, by the law of nature, by the common law, and by the

usage of all civilized nations, property exists, Allgaier could not have so disposed of him, not even by the shrewdest slight of the gambling craft, but that his lawful owner could have taken him by replevin, or some other legal process, wherever she found him. But there is this wide distinction between property in animals and property in man: property in animals is sanctioned by the law of nature, and the common law; is universal and binding every where: property in man is contrary to the law of nature, contrary to the common law, strictly local, and binding only within the territorial limits where slavery exists by force of the municipal law. The legal notion of *personal* property is, that it is that sort of property which may attend upon a man's person wherever he goes, in contradistinction to that which is fixed and immovable. And upon this hypothesis we say, a man's property acquired in one state, by the comity of nations, is his property in every other state. Admit this principle in regard to property in men, and whither will it lead you? or, whither will it not drive you? A man acquires property in a slave in Kentucky, where, by the municipal law, such property is recognised: it is at his option to establish slavery in every other state in the union, wherever he may choose to travel, for the slave, being personal property, may attend on his person wherever he goes. But how shall he keep up this relation of master and slave, where, by the organic law of the state, and by a compact of still higher obligation, to which he himself is a party, it is declared that there shall be neither slavery nor involuntary servitude? The moment he crosses the territorial line, this relation ceases, because there is no law to support it. And with it perish all the rules of law regulating property in men, and all the ordinary remedies by which such property is guarded. No such property exists in Ohio. No action of replevin, nor any other action, would lie for the recovery of such property. The only instance in which one human being can lay hands on another, and claim him as his own, is where a person lawfully held to labor or service in one of the original states, shall *escape into* the State of Ohio.

This brings us back to the old question: Did Jerry "*escape into*" Ohio. I think I have shown conclusively from the facts, that when Jerry left the state of Kentucky, where he was lawfully held to labor or service, he was a slave without volition;

that he was subject to the will of one having absolute control over him ; that he went into Ohio in obedience to the will of a master who had the power to command him, to whip him, to fetter him, and to carry him when and where he listed ; and that under the circumstances, he could be considered in no sense an *escaping* slave.

Jerry Finney, then, at the time of his seizure by Forbes and Armitage, was by operation of law, a free man of Ohio. Disfranchised, indeed, of the right to hold office, the right to vote, the right to testify : but so far as it regarded the right of any one to claim his labor, or restrain his liberty, he was as free as any of us. No one had a right to pursue him, either in person, or by agent ; and these men by assuming such agency, and carrying him away, have placed themselves within the law of kidnappers, and fugitives from justice, and without the protection of the laws of Kentucky.

I have now urged all the points which I consider material to the issue, and laid down, as fairly as my limited time for investigation, and my feeble abilities, would allow, what I believe to be the law of the case, both as it regards the organic law of the nation, and the municipal laws of Kentucky and Ohio—what is held to be the law in Ohio—what is held to be the law in Louisiana and other states, where slavery exists—and what I believe to be the common law of all christian and civilized nations.

1. The Kentucky statute of 1820 is at variance with the Constitution of the United States and the law of Congress of 1793 and void.

2. If the statute of 1820 be void, the court has jurisdiction only of the question of identity under the statute of 1815.

If the statute of 1820 be valid, and the court has jurisdiction, then three questions of fact are involved.

1. Is Jerry a slave and the property of any one ?

2. Who is his owner ?

3. Did Forbes and Armitage act as the agents, or with the approbation of the owner ?

The second point is conceded, for if Jerry be a slave, Mrs. Long representing in her own right, and as administratrix of her deceased husband, 26-27ths of Jerry, for the purposes of this case may be considered the owner.

The third point is conceded also, as to Forbes, but insisted on as to Armitage, because there is no proof of the *express* approbation of the owner as to him.

The main question is upon the first point. Was Jerry a slave at the time Forbes and Armitage aided in seizing him at Columbus ?

1. Slavery is contrary to the law of nature, and contrary to the law of nations, and exists only by force of the municipal law of the land.

2. Slavery is strictly local and confined within the territorial limits of the state where it is sanctioned, and cannot follow the fugitive beyond those limits, except by positive law binding on both sides of the line.

3. The only law varying these great principles of natural and international law, is that to be found, 1st, in the ordinance of 1787 for the government of the Northwestern Territory : 2d, in the Constitution of the United States, and 3d, in the law of Congress of 1793, which latter cannot be so construed as to diminish the guaranty of liberty contained in the ordinance of 1787, or to extend the rights guaranteed to the owners of fugitive slaves, by the Constitution of the United States.

4. The clauses of the ordinance of 1787, of the Constitution of the United States and of the law of Congress of 1793, authorizing fugitives from labor to be pursued into the North Western Territory, being contrary to the law of nature, contrary to the law of nations, and restrictive of human liberty, must be strictly construed.

5. Strictly construed, these clauses can extend to but one case—that of an *escaping slave*. This implies a voluntary act of the slave, contrary to the will of the master, and if by any other means than by his own will he is carried into the North Western Territory, the relation of Slavery ceases as completely as if he had been carried into France or any other foreign state.

6. If the slave becomes free but for a moment, he can never again be reduced to slavery : not even by his own act, because the right of freedom is unalienable.

7. It matters not that the slave was carried beyond the line by a bailee to whom he was hired ; if he is carried over in the relation of a slave, even by a person having a temporary dominion over him, he becomes *ipso facto* free, and the owner has his right of action against the bailee for the loss of his services. The law governing chattels does not apply to property in human beings. God gave man dominion over, and property in the beasts of the field, &c., but the property in man he reserved to himself. The property in animals is natural and binding every where ; that in man, is conventional, municipal, local, and to be kept within the literal meaning of the written law.

These points I have urged with some warmth, but no more, I trust, than becomes one believing most religiously the truth of what he says.

But I have another duty to discharge. I cannot sit down without thanking the court for the indulgence and facilities afforded me ; vacating all other business for my accommodation, and tendering every means in its power to dispatch my mission. The authorities have received me promptly and respectfully, and the citizens have displayed not merely the civility due a stranger, but the courtesy and kindness due to a brother of the Union. For all this I feel that I owe an expression of hearty gratitude ; and whatever other message the result of the deliberation of the court may require me to bear back to the authorities of Ohio, I shall feel it a duty which I shall execute with the liveliest pleasure, to tell them, that I have discussed the subject of slavery in the capital of Kentucky, with boldness and safety ; surrounded by slaveholders who treated me with the utmost consideration and respect.

Biographical Sketches of the Democratic Candidates for the Presidency and Vice Presidency.

JAMES K. POLK, of Tennessee

Mr. Polk, who is the oldest of ten children, was born in Mecklenburg county, North Carolina, on the second day of November, 1795, and is consequently in the forty-third year of his age. His ancestors, whose original name, Pollock, has, by obvious transposition, assumed its present form, emigrated, more than a century ago, from Ireland, a country from which many of our most distinguished men, are proud to derive their origin. They established themselves first in Maryland, where some of their descendants still sojourn. The branch of the family from which is sprung the subject of this memoir, removed to the neighborhood of Carlisle, in Pennsylvania, and thence to the western frontier of North Carolina, some time before the commencement of the Revolutionary war. Its connection with that eventful struggle is one of rare distinction. On the twentieth of May, 1775, consequently more than a twelvemonth anterior to the declaration of the Fourth of July, the assembled inhabitants of Mecklenburg county, publicly absolved themselves from their allegiance to the British crown, and issued a formal manifesto of independence, in terms of manly eloquence, which have become familiar as household words to the American people. Gov. Thomas Polk, the prime mover in this act of noble daring, and one of the signers of this first Declaration of Independence, was the great uncle of the present Speaker, who is also connected with the Alexanders, Chairman and Secretary of the famous meeting, as well as with Dr. Ephraim Brevard, the author of the Declaration itself.

Tradition ascribes to Thomas Polk the principal agency in bringing about the Declaration. He appears to have given the notice for the election of the Convention; and being the colonel of the county, to have superintended the election in each of the militia districts. He had been for a long time engaged in the service of the province as a surveyor, and as a member of the Assembly; and was thus intimately acquainted not only in Mecklenburg, but in the counties generally. His education had been acquired not within the classic walls of an English university, but among his own native hills, and amidst the passions and feelings of his countrymen. Dr. Ephraim Brevard, (the author of the Declaration) and Waightstill Avery, (the first attorney general of North Carolina) were men of the highest classical attainments, and contributing their enlightened resources to the shrewd native enthusiasm of Thomas Polk, produced a Declaration at that time unrivalled, not only for the neatness of its style, but for the moral sublimity of its conception.

Finally, the whole proceedings were read distinctly and audibly, at the court-house door, by Col. Thomas Polk, to a large, respectable, and approving assemblage

Mr. Jefferson having, sincerely, no doubt, but upon merely negative grounds, questioned the authenticity of this interesting piece of history, the Legislature of North Carolina, with a becoming pride of patriotism, caused the evidence establishing its validity to be collected in a complete shape, and deposited in the archives of the State. The people of Mecklenburg were, almost to a man, staunch Whigs, to the genuine revolutionary; acceptance of the term, and have been up to the present day remarkable for their unwavering adherence to the Democratic principles. As an evidence of the sturdy independence which characterizes them, it is often pleasantly observed that, at the last war, they took up arms six months before, and did not lay them down until twelve months after, the Government. In the contest for independence several of Mr. Polk's relatives distinguished themselves, even to the peril of life. To be allied to such a people and lineage, is a fit subject for honorable pride. Liberty does not frown upon the indulgence of a sentiment so natural. She does not reject the heritage of honor, while refusing to add to it, social or political distinctions subversive of equal rights. The American people have always manifested an affectionate regard for those who bear the names of the heroes or martyrs of the Revolution. They furnish not a proof of the alleged ingratitude of republics.

The father of Mr. Polk was a farmer of unassuming pretensions, but enterprising character. Thrown upon his own resources in early life, he became the architect of his own fortunes. He was a warm supporter of Mr. Jefferson, and through life a firm and consistent Republican. In the autumn of 1806, he removed to Tennessee, where he was among the first pioneers of the fertile valley of Duck river, then a wilderness, but now the most flourishing and populous portion of the State. The magical growth of a country which was but yesterday redeemed from the sole dominion of nature, is a phenomenon of great moral and political interest, and cannot fail to impress a character of strength and enterprise upon the authors and participators of the wonderful result. How can man languish or halt, when all around him is expanding and advancing with irrepressible energy! In this region, Mr. Polk still resides, so that he may be said, literally, to have grown with its growth, and strengthened with its strength. Of course, in the infancy of its settlement, the opportunities for instruction could not be great. Notwithstanding this disadvantage—and the still more formidable one of a painful affliction, from which, after

of citizens, who were present, and gave sanction to the business of the day.—Memoir of Rev. Humphrey Hunter.—*Ibid.*

years of suffering, he was finally relieved by a surgical operation—he acquired the elements of a good English education. Apprehending that his constitution had been too much impaired to permit the confinement of study, his father determined, much, however, against the will of the son, to make him a commercial man; and with this view actually placed him with a merchant. Upon what slender threads hang the destinies of life! A little more, and the uncompromising opponent of the Bank of the United States, the Democratic Speaker of the House of Representatives, might have been at this day, in spite of his origin and early tendencies, a Whig preacher of panics, uttering *jeremiads* for the fate of that shadowy and intangible thing clept "Credit system."

"If shape it might be call'd, that shape had none,
Distinguishable in member, joint or limb;
Or substance might be called, that shadow seem'd
For each seem'd either."

He remained a few weeks in a situation adverse to his wishes and incompatible with his taste. Finally, his earnest appeals succeeded in overcoming the resistance of his father, and in July 1813, he was placed under the care of the Rev. Dr. Henderson, and subsequently, at the academy of Murfreesborough, Tennessee, then under the direction of Mr. Samuel P. Black, justly celebrated in that region as a classical teacher. In the autumn of 1815, he entered the University of North Carolina, having, in less than two years and a half, thoroughly prepared himself to commence his collegiate course. It will be seen from this hasty sketch, that the history of the Speaker furnishes an interesting example of talent and perseverance triumphing over disheartening difficulties in early life. So frequent are such instances, that it would almost seem that true merit requires the ordeal of adverse circumstances, to strengthen its temper and distinguish it from unsubstantial pretension.

Mr. Polk's career at the University was distinguished. At each semi-annual examination he bore away the first honor, and finally graduated in 1818, with the highest distinction of his class, and with the reputation of being the first scholar in both the mathematics and classics. Of the former science he was passionately fond, though equally distinguished as a linguist. His course at college was marked by the same assiduity and studious application which have since characterized him. His ambition to excel was equalled by his perseverance alone, in proof of which it is said, that he never missed a recitation, nor omitted the punctilious performance of any duty. Habits of close application at college are apt to be despised by those who pride themselves on brilliancy of mind, as they were incompatible. This is a melancholy mistake. Genius has even been defined the faculty of application. The latter is, at least, something better, and more available. So carefully has Mr. Polk avoided the pedantry of classical display, which is the false taste of our day and country, as almost to hide the acquisitions which distinguished his early career. His preference for the useful and substantial, indicated by his youthful passion for the mathematics, has made him select a style of elocution which would, perhaps, be deemed too plain by the shallow admirers of flashy declamation. The worst of all styles is the florid and exaggerated. It is that of minds which are, as it were, overlaid by their acquisitions. They break down beneath a burden which they have not strength to bear—

"Deep versed in books, but shallow in themselves."

The mind should rather be fertilized by culture than

encumbered with foreign productions. Pedantry is at once the result and proof of eclecticism.

Returning to Tennessee, from the State which is, in two senses, his *alma mater*, with health considerably impaired by excessive application, Mr. Polk, in the beginning of the year 1819, commenced the study of the law in the office of Senator Grundy, and late in 1820 was admitted to the bar. He commenced his professional career in the county of Maury, with great advantages, derived from the connection of his family with its early settlement. To this hour his warmest friends are the sharers of his father's early privations and difficulties, and the associates of his own youth. But his success was due to his personal qualities, still more than to extrinsic advantages. A Republican in habits as well as in principles, depending for the maintenance of his dignity upon the esteem of others, and not upon his own assumption, his manners conciliated the general good will. The confidence of his friends was justified by the result. His thorough academical preparation, his accurate knowledge of the law, his readiness and resources in debate, his unwearied application to business, secured him, at once, full employment, and in less than a year he was already a leading practitioner. Such prompt success in a profession where the early stages are proverbially slow and discouraging, falls to the lot of few.

Mr. Polk continued to devote some years exclusively to the laborious prosecution of his profession, with a progressive augmentation of reputation, and the more solid rewards by which it is accompanied. In 1823, he entered upon the stormy career of politics, being chosen to represent his county in the State legislature, by a heavy majority over the former incumbent, but not without formidable opposition. He was, for two successive years, a member of that body, where his ability in debate, and talent for business, at once gave him reputation. The early personal and political friend of General Jackson, he was one of those who, in the session of 1823-'24, called that distinguished man from his retirement, by electing him to the Senate of the United States; and he looks back with pride to the part he took in an act which was followed by such important consequences. In August, 1825, being then in his thirtieth year, Mr. Polk was chosen to represent his district in Congress, and, in the ensuing December, took his seat in that body, where he has remained ever since. He brought with him into the national councils those fundamental principles to which he has adhered through all the personal mutations of party. From his early youth, he was a Republican of the "strictest sect." He has ever regarded the Constitution of the United States as an instrument of specific and limited powers, and that doctrine is at the very foundation of the Democratic creed. Of course, he has ever been what is termed a strict constructionist, repudiating, above all things, the latitudinarian interpretations of federalism, which tend to the consolidation of all power in the central government. He has signalized his hostility to these usurping doctrines in all their modes. He has always refused his assent to the appropriation of money, by the Federal Government, for what he deems the unconstitutional purpose of constructing works of internal improvement within the States. He took ground early against the constitutionality, as well as expediency, of a National Bank; and in August, 1829, consequently several months before the appearance of General Jackson's first message, announced then his opinions in a published letter to his constituents. He has ever been opposed to an oppressive tariff for protection, and was, at all times, the

strenuous advocate of a reduction of the revenue to the economical wants of the Government. Entertaining these opinions, as we shall have occasion to illustrate, and entering Congress, as he did, at the first session after the election of the younger Adams, he promptly took his stand against the broad and dangerous doctrines developed in the first message of that Chief Magistrate, and was, during the continuance of his administration, firmly and resolutely, but not factiously, opposed to its leading measures.

When Mr. Polk entered Congress, he was, with one or two exceptions, the junior member of that body. But capacity like his could not long remain unnoticed. In consequence of the palpable disregard of the public will manifested in the election by the House of Mr. Adams, together with the means by which it was effected, a proposition was brought forward, and much discussed at the time, to amend the Constitution in such manner as to give the choice of President and Vice President immediately and irreversibly to the people. In favor of this proposition, Mr. Polk made his first speech in Congress, which at once attracted the attention of the country by the force of its reasoning, the copiousness of its research, and the spirit of honest indignation by which it was animated. It was at once seen that his ambition was to distinguish himself by substantial merit, rather than rhetorical display, the rock upon which most young orators split. At the same session, that egregious measure of political Quixotism, the Panama mission, which was proposed in contempt of the sound maxim, to cultivate friendship with all nations, yet engage in entangling alliances with none, gave rise to a very protracted debate in both Houses of Congress. The exploded Federal doctrine was, upon this occasion revived, that, as under the Constitution, the President and Senate exclusively are endowed with the treaty-making faculty, and that of originating and appointing to missions, their acts under that power become the supreme law of the land, nor can the House of Representatives deliberate upon, much less, in the exercise of a sound discretion, refuse, the appropriations necessary to carry them into effect. Against a doctrine so utterly subversive of the rights and powers of the popular branch of Congress, as well as of the fundamental principles of the Democracy, Mr. Polk strenuously protested, embodying his views in a series of resolutions, which produced, in a tangible shape, the doctrines, on this question, of the Republican party of '98. The first of these resolutions which presents the general principle with brevity and force, runs thus: "that it is the constitutional right and duty of the House of Representatives, when called upon for appropriations to defray the expenses of foreign missions, to deliberate on the expediency or in expediency of such missions, and to determine and act thereon, as in their judgment may seem most conducive to the public good."

From this time Mr. Polk's history is inseparably interwoven with that of the House. He is prominently connected with every important question. and upon every one, as by an unerring instinct of Republicanism, took the soundest and boldest ground. From his entrance into public life, his adherence to the cardinal principle of the Democratic creed has been singularly steadfast. During the whole period of Gen. Jackson's administration, as long as he retained a seat on the floor, he was one of its leading supporters, and at times, and on certain questions of paramount importance, its chief reliance. In the hour of trial he was never found wanting, or from his post. In December, 1827, two years after his entrance in the House, Mr.

Polk was placed on the important committee of Foreign Affairs, and some time after was appointed, in addition, chairman of the Select Committee to which was referred that portion of the President's message calling the attention of Congress to the probable accumulation of a surplus in the Treasury, after the anticipated extinguishment of the National Debt. As the head of this committee he made a lucid report, replete with the soundest doctrines, ably enforced, denying the constitutional power of Congress to collect from the people, for distribution, a surplus beyond the wants of the Government, and maintaining that the revenue should be reduced to the exigencies of the public service.

The session of 1830 will always be distinguished by the death blow which was then given to the unconstitutional system of internal improvements by the General Government. We have ever regarded the Maysville Road Veto as second in importance to none of the acts of Gen. Jackson's energetic administration. It lopped off one of the worst branches of the mis-called American System. Mr. Polk had assailed the bill before its passage with almost solitary energy; and one of his speeches,* in which he discusses the general policy of the "American System" in its triple aspect of high prices for the public lands, to check agricultural emigration to the West, and foster the creation of a manufacturing population, of high duties or taxes for protection, and excessive revenue, and of internal improvements, to spend this revenue in corrupting the country with its own money, should be perused by every one who wishes to arrive at sound views upon a question which has so much agitated the public mind. When the bill was returned by the President unsigned, a storm arose in the House, in the midst of which the veto was attacked by a torrent of passionate declamation, mixed with no small share of personal abuse. To a member from Ohio whose observations partook of the latter character, Mr. Polk replied in an energetic improvisation, vindicating the patriotic resolution of the Chief Magistrate. The friends of States Rights in the House rallied manfully upon the veto. The result was that the bill was rejected, and countless "log rolling" projects for the expenditures of many millions of the public treasure, which awaited the decision, perished in embryo.

In December, 1832, he was transferred to the Committee of Ways and Means, with which his connection has been so distinguished. At that session the Directors of the Bank of the United States were summoned to Washington, and examined upon oath, before the committee just named. A division of opinion resulted in the presentation of two reports. That of the majority, which admitted that the Bank had exceeded its lawful powers, by interfering with the plan of the Government, to pay off the three per cent. stock, was tame, and unaccompanied by pertinent facts, or elucidating details. Mr. Polk, in behalf of the minority, made a detailed report, communicating all the material circumstances, and presenting conclusions utterly adverse to the institution which had been the subject of inquiry. This arrayed against him the whole bank power, which he was made to feel in a quarter where he had every thing at stake, for upon his return to his district, he found the most formidable opposition mustered against him for his course upon this question. The friends of the United States Bank held a meeting at Nashville to denounce his report. The most unscrupulous misrepres-

*On the Buffalo and New Orleans Road Bill.

schaffans were resorted to, in order to prove that he had destroyed the credit of the West, by proclaiming that his countrymen were unworthy of mercantile confidence. The result, however, was that after a violent contest, Mr. Polk was re-elected by a majority of more than three thousand. Fortunately for the stability of our institutions, the panics which frightened cities from their property, as if swept with the same devastating force over the scattered dwellings of the country, had no effect on the confidence of the country.

In September, 1833, the President indignantly at the open defiance of law by the Bank of the United States, and the publishing of correspondence which it practised, determined upon the bold and salutary measure of the retraction of the deposits which was effected in the following month. The act produced much excitement throughout the country, and it was foreseen that a great and doubtful conflict was about to ensue. At such a crisis it became important to have at the head of this Committee of Ways and Means a man of courage to meet, and firmness to sustain, the formidable shock. Such a man was found in Mr. Polk, and he proved himself equal to the occasion. Congress met, and the conflict proved even fiercer than had been anticipated. The cause of the Bank was supported in the House by such men as Mr. McDuffie, Adams, and Binney, not to mention a host of other names. It is instructive to look back in calmer times to the reign of terror known as the Panic of 1837. The Bank, with the whole commerce of the country at its feet, allegedly torturing and assailing its miserable pensioners as they increased or relaxed their cries of financial agony; public meetings held in every city with scarcely the intermission of a day, denouncing the President as a tyrant and the enemy of his country; deputations flocking from the towns to exert from him a reluctant submission; Whig orators traversing the country, and stimulating the passions of excited multitudes without respect even to the sanctity of the Sabbath; inflammatory memorials poured into Congress from every quarter; the Senate almost decreeing itself into a state of permanent insurrection, and proclaiming that a revolution had already begun; all the business of legislation in both wings of the Capitol postponed to that of agitation and paroxysm, an extrajudicial and branding sentence pronounced upon the Chief Magistrate of the nation in violation of usage and of the Constitution—these features present but a faint picture of the alarm and confusion which prevailed. Consternation had almost seized upon the Republican ranks, thinned by desertions and harassed by distracting doubts and fears. But the stern resolve of him whose iron arm guided the helm of state, conducted the perilous conflict to a successful issue. Nor should we forget the eminent services of the individual who presided over the Committee of Ways and Means. His coolness, promptitude and abundant resources were never at fault. His opening speech in vindication of the President's measure contains all the material facts and reasons on the Republican side of the question, enforced with much power, and illustrated by great search. To this speech almost every member of the Opposition, who spoke upon the question, attempted to reply, but the arguments which its author brought forward to establish the power of the President under the Constitution, as elucidated by contemporaneous or early exposition, to do the act, which had been so boldly denounced as a high-handed and tyrannical usurpation, could neither be refuted nor weakened. Mr. McDuffie, the distinguished leader of the Opposition in this eventful conflict, bore testimony, in

his concluding remarks to the "boldness and manliness" with which Mr. Polk had assumed the only position which could be justifiably taken. (The financial portion of this speech, and that in which he expounded the glaring misdeeds of the Bank, were in less efficient.) When Mr. McDuffie had concluded, there were marks to which we have alluded, a member from Virginia, after a few pertinent observations, demanded the previous question. At more intense excitement was never felt in Congress than in this thrilling moment. The two parties looked at each other for a space in sudden silence, like two armies on the eve of a deadly conflict. The motion of Mr. Mason prevailed, and the battle was arrested; and the Union proved triumphant in victory for the Republican cause. The Bank then gave up the contest in despair, and withdrew its army.

The position of the Chairman of the Committee of Ways and Means, at all times a most arduous and responsible one, was doubly so at this session, when will forth an epoch in the political annals of the country. Mr. Polk occupied for the first time the front of its organization and the nature of its duties, this committee must be at all times the chief organ of every administration in the House. At this session it was for obvious reasons peculiarly so. To attack it, then, was to strike at the Government, to embarrass its action, to strike at the Government, to embarrass its action, to strike at the Government, to embarrass its action. Extraordinary and indiscriminate opposition was accordingly made to all the appropriation bills, and it was argued in debate, that it was within the scope of legitimate opposition to withhold even the ordinary supplies until the deposits were restored to the Bank of the United States; that this restoration must be made, or revolution ensue. The Bank must be trampled, the wheels of Government be arrested. The people should never forget the perils of a contest in which they were almost constrained to succumb. The brecciation should warn them not to build up again a power in the State of such formidable facilities. The tactics which we have just described, throwing great additional labor upon the committee, and particularly upon its chairman. Fully apprized of the difficulties he had to encounter, he maintained his post with sleepless vigilance and untiring activity. He was always ready to give the House ample explanations upon every item, however minute, of the various appropriations. He was ever prompt to meet any objections which might be started, and of quick sagacity to detect the artifices to which factions disingenuousness is prone to resort. All the measures of the committee, including those of paramount importance, relating to the Bank and the deposits, were carried in spite of the most formidable opposition. The true-hearted Republicans who conducted this critical conflict to a successful issue, among whom Mr. Polk occupies a distinguished rank, deserve the lasting gratitude of the country.

Towards the close of the memorable session of 1839 Mr. Speaker Stevenson resigned the chair as well as his seat in the House. The majority of the Democratic party preferred Mr. Polk as his successor, but in consequence of a division in its ranks, the Opposition, to whom his prominent and uncompromising course had rendered him less acceptable, succeeded in electing a gentleman, then a professed friend, but since a decided opponent of the President and his measures. Mr. Polk's defeat produced no change in his course. He remained faithful to his party, and assiduous in the performance of his arduous duties. In December, 1840, he was elected Speaker of the House of Representatives, and chosen again in September last, after an animated contest. The duties of this difficult situation,

his bow conceded, he has discharged with rare fidelity and fairness every the beginning unusual difficulties were thrown in his way by ad animosity which was sometimes carried to an extent that killed forth general animadversion. During the first session in which he presided, more appeals were taken from his decisions than had occurred in the whole period since the original of the Government, but he was uniformly sustained by the House, and by many of the political adversaries. Stronger of all parties who exist in Washington, and struggle with that dignity, promptitude, and impartiality with which he presided over the deliberations of the House. It was with great pleasure that we heard, but the other day, an eminent member of the Opposition in that body, bear the same testimony. He said he had seen the violence with which he had been assailed, and great passions, at the close of the session in 1837, a unanimous vote of thanks to its presiding officer, from whom separated with the kindest feelings, and no man more, could enjoy its confidence and friendship as higher degree. His calmness and good temper have delayed the violence of opposition in a station for which his quickness, calmness, and sagacity eminently qualify him. He has pursued a career of a steady and consistent course than Mr. Polk. Upon several occasions when the current of popular opinion threatened to overwhelm him, he has sternly adhered to the convictions of duty, preferring to stick with his principles rather than rise by their abandonment. In this, we have noticed, was the case after his bank report in 1833, and he never altered the same. He has written in 1835, he viewed this as an alterable purpose, not to be part of the Democratic party in the Presidential election. One of these occasions, the popular excitement in his district, would have appalled and driven back a timid and time-serving politician. And he been governed by selfish motives had he consulted his own personal and looked to his reelection alone, had he not regarded others more than principle, he would have yielded his own convictions to the tide of the multitude, to be mistaken, of popular opinion. But he took State the elements of division among the Democrats, the Union began to be apparent in regard to the individual who was to succeed Mr. Adams. Early personal associations, as well as a just appreciation of his distinguished services, had led Mr. Dallas to unite with a large portion of his political friends in Pennsylvania in a declaration that the vote of the State should be given to Mr. Calhoun; and the success with which that statement

GEORGE M. DALLAS, of Pennsylvania.

When, however, the general sentiment among the youth of the State, in favor of Mr. Adams, was so strong, that the vote of the State should be given to Mr. Adams, Mr. Dallas was born in the city of Philadelphia on the 14th day of July, 1792. He is the elder son of Alexander J. Dallas, one of the most accomplished advocates and distinguished statesmen that have adorned the legal profession of the United States, or sustained in important posts of public trust the principles and policy of the Republican party. He received the rudiments of his education at a school in Germantown, and afterwards at the Friends' Academy in Philadelphia. At the age of 14, he was transferred to Princeton College, and continued there until 1810, when he was graduated with the highest honors of his class. He delivered their valedictory address, which is still remembered and adverted to

counsel of nobler sentiments, and with a fearlessness characteristic of his whole public course, avowed and persisted in his well-matured determinations. He succeeded in carrying truth home to an enlightened constituency, was sustained by increasing majorities, and is now so strong in the good will of his district that the last election no opposition was attempted. Nothing can be more false than the charge of subservience which has been brought against him in common with the prominent supporters of the late administration. It is true, that, despising the cant of non-resistance, he has ever been the prey of selfish and treacherous politicians, and confessed that in a popular government nothing can be accomplished by isolated action. He has always acted with his party, as far as possible, and would justify a prominent position in the present measure of the late administration; however, his opinions were not only generally known, but he had actually spoken of voted before the decision of General Jackson in the office of the Bank of America, and the Bank of the State of Pennsylvania. He is a ready debater, with a style and manner never forgettable and impressive. In discussion he has been always distinguished by great courtesy, never having been known to indulge in offensive personalities, which considering the prominence of his course, and the order of his convictions, is no small virtue. As a proof of this exemplary assiduity, he is said never to have missed a division, while occupying a seat in the floor of the House, his name being found upon every list of the year and days. His ambition was to be a useful member, as well as a prominent actor, and accordingly he always performed more than a full share of the active business of legislation. In person he is of middle stature, with a full angular brow, and a quick and penetrating eye. The expression of his countenance is grave, but his serious cast is often relieved by a peculiar pleasant smile indicative of the amenity of his disposition. The amiable character of his private life, which has ever been upright and pure, secures to him the esteem and friendship of all who have the advantage of his acquaintance. These were men whose joy was to be much together, and who had equally permanent and friendly relations.

In August, 1814, Mr. Dallas returned to the United States, bearing the dispatches from the American commissioners to the Congress of Vienna, which he had announced the prospect little favorable to a speedy peace that are known to have resulted from the conference with the British envoy. On his arrival, he found his father transferred from the post of British minister to the rank of the Treasury Department, and he had the pressing avocations to him, and all the resources of judgment and talent for which he had been distinguished, and which he had been so long in the college history, as a striking example of feeling, eloquence, and taste. Indeed, as a public speaker, he gave early promise of that excellence which has since been displayed in many of the prominent situations to which his talents have elevated him, and published oration, delivered when he was but seventeen years of age, and preserved in the Port Folio, strikingly attests the maturity of his powers, and his high and noble aims as an orator. On leaving college, Mr. Dallas commenced the study of the law in the office of his father, at Philadelphia, and although, in the intervals of that severe study, the more attractive forms of literature, and poetry, were not unconsciously cultivated, he yet per-

severed with unceasing application in making himself a thorough master of the great principles of the profession of which he has since been so distinguished a member. He was admitted to the bar in 1813. Soon after the declaration of war with England, he had enrolled himself in a volunteer corps; and when, in the year 1813, Mr. Gallatin was appointed by President Madison a member of the commission that repaired to St. Petersburg, for the purpose of negotiating a peace under the mediation of the Emperor Alexander, he accompanied that minister as his private and confidential secretary. During a residence of more than a year in Europe, Mr. Dallas had an opportunity of visiting Russia, France, England, Holland, and the Netherlands. While in England, a family connection with Lord Byron brought him into frequent association with that great poet, who then, at twenty-five years of age, was receiving in London the general and enthusiastic admiration which the appearance of his two beautiful poems, the *Giaour* and the *Bride of Abydos*, could not fail to call forth. It was in consequence of a remark of Mr. Dallas, upon the popularity in America of Child Harold, and some of his previous poems, that he declared in his journal that these were the first things that ever sounded to his ears like fame; and that popularity in a far and rising country, caused tidings very different from the ephemeral praises of the crowd of fashion then buzzing around him. Through another relative, the humane and eloquent jurist who was then the chief justice of the court of common pleas, it was Mr. Dallas's good fortune to be thrown, not unfrequently, into the society of some of those eminent lawyers who have, by the brilliancy of their genius, and devotion to philanthropy, made their profession yet more distinguished than it was in previous days. Romilly, whose beneficence flowed in a current so transparent, copious, and strong; Brougham, with his far-reaching, inquisitive, and undaunted utilitarianism; Mackintosh, who could wisely and kindly apply to the heated actions, and in the busy forums of men, the rules of conduct which he had deduced in the patient reflections of a guileless life—these were men whose society, even transiently enjoyed by one much younger, could not fail to leave impressions equally permanent, useful, and gratifying.

In August, 1814, Mr. Dallas returned to the United States, bearing the despatches from the American commissioners then holding their sessions at Ghent, which announced the prospects little favorable to a speedy peace that are known to have resulted from the earlier conferences with the British envoys. On his arrival, he found his father transferred from the bar of Philadelphia to the head of the Treasury Department—a post requiring, in the complicated state of the finances, and amid the pressing exigencies of the war, all the resources of judgment and talent for which he had been already distinguished, but which he was now destined to display through a brilliant administration of two years, under circumstances and in a manner that secured for him a yet larger share of the applause and confidence of the people of the United States. His son remained with him for a time at Washington, to assist him in the arduous duties of the Treasury, and then returned to Philadelphia, to resume, or rather to commence, the actual practice of his profession—an event that was almost immediately followed by his marriage with an accomplished lady, the daughter of Mr. Nicklin, an eminent merchant of that city.

The death of his father, which occurred shortly after he retired from the administration of the Treasury Department, took from Mr. Dallas, in the outset of his career at the bar, not merely the benefit of professional

assistance seldom equalled, but those kind and endearing associations which could have grown up only in intercourse with one whose genius was not more brilliant than his affections were warm. Self-dependent, however, he applied himself with the more ardor to the practice of the law; and being appointed, in 1817, the deputy of the Attorney General in the city of Philadelphia, he soon gave evidence of that skill in conducting criminal cases which has since always distinguished his occasional attention to that branch of his profession. When, in the following year, charges were introduced into the assembly of Pennsylvania against Governor Findlay, which resulted in a legislative investigation, Mr. Dallas acted as his counsel; and the firmness and ability which he displayed throughout the whole proceeding, placed him at once, by general consent, in a rank in his profession that has seldom been attained by so young an advocate.

It is scarcely necessary to remark, that the exigencies of a legal life could not withdraw Mr. Dallas from the deepest interest in political topics. Deriving, from the conduct and counsels of his father, and from the associations of his earliest youth, as well as those of later years, a strong attachment to the principles and views of the Democratic party, he had never failed to co-operate with his fellow-citizens in the measures which were calculated to advance them. The more tranquil administration of Mr. Monroe, succeeding to the fierce political conflicts which existed during the war with England, did not present many questions that rallied party controversies on national affairs; but the election of Governor Heister in Pennsylvania had brought the Federal party into power in that State, after a long period of Democratic ascendancy, and no one embarked with more zeal than Mr. Dallas in endeavoring to effect the restoration of the policy which he believed to be essential to a sound and just administration of the affairs of the Commonwealth. These efforts resulted in the triumphant re-election of Governor Shultze, the candidate of the Democratic party.

But while unanimity, followed by success, thus attended the course of his political associates in the State, the elements of division among the Democracy of the Union began to be apparent in regard to the individual who was to succeed Mr. Monroe. Early personal associations, as well as a just appreciation of his distinguished talents, had led Mr. Dallas to unite with a large portion of his political friends in Pennsylvania in a desire that the vote of the State should be given to Mr. Calhoun; and the success with which that statesman had conducted the administration of the War Department for the eight previous years seemed to give a certain pledge, notwithstanding his comparative youth, of the ability he would display in any Executive office to which the voice of his countrymen should call him. When, however, the general sentiment of the Republican party throughout the Union expressed a desire to confer on the venerable patriot who had so long and so faithfully maintained their principles in various posts of civil trust, and so brilliantly augmented the glory of his country in the field of battle, Mr. Dallas, with sentiments towards General Jackson in which the friends of Mr. Calhoun in Pennsylvania at once participated, took the lead in suggesting that the younger candidate should be presented to the American people for the second office, while the united and harmonious voice of the Democratic party should name General Jackson for the Presidential chair. In every measure that resulted from this determination, Mr. Dallas bore a prominent part; the eloquent address in

which the Democratic convention of the State presented their reasons for the course they had adopted, is generally understood to have proceeded from his pen; and when, in November, 1824, the unusually large majority of more than thirty thousand Democratic votes showed the enthusiastic feeling of the people of the State, there were few among them whose zeal had been more honorably and actively displayed than his in producing that gratifying result.

The choice of the House of Representatives having given the Presidency to Mr. Adams, the succeeding four years only contributed to create the yet stronger concentration of public opinion in favor of General Jackson; and when he obtained, in 1828, the suffrages of fifteen States, the majority in Pennsylvania had been increased beyond fifty thousand. It was during this interval, that Mr. Dallas received from the people of his native city an honorable mark of their confidence by an election to the mayoralty; an office which for many years past has, in consequence of the usual ascendancy of the Federal party, been seldom bestowed upon a person of his political opinions. On the election of General Jackson, he was selected by him as the chief representative of the Executive Government of the Union in the same city, by being appointed to the office of District Attorney of the United States. To the same post his father had been appointed by Mr. Jefferson, through the whole of whose administration he continued to fill it, and from that office Mr. Madison called him to the head of the Treasury. His son occupied the post for a much shorter period, but in the two years during which he discharged its duties, several cases of public interest and considerable magnitude gave full scope to his abilities, and contributed their share to his reputation as a professional man, which each year continued to augment.

At length, in the year 1831, a vacancy having occurred in the representation from Pennsylvania in the Senate of the United States, the Legislature selected Mr. Dallas to fill that honorable post. Thus, in entering for the first time a legislative body, he found himself in the highest and most important assembly that exists under the provisions of the American Constitution. A new field was given to his talents as a statesman and an orator. Having at the bar of Philadelphia few equals in forensic eloquence, and being perhaps without a rival, certainly without a superior, at home, on any occasion of public and especially political discussion, he was now required to match himself with men trained by exercise as well as possessed of distinguished ability, in a scene which forbade the logical precision of a court, and yet could scarcely call forth or permit the animated current of spontaneous declamation, so often successfully indulged in the lesser assemblages of his fellow-citizens. His speeches in the Senate of the United States, throughout the period that he remained there, were heard with attention that gave evidence of his complete success. Those that have been more carefully reported, display on a variety of topics, striking political views; and they abound with passages of animated eloquence. The most interesting subject of general discussion, was that which made the winters of 1832 and 1833 more memorable in our legislative history than any period since the war with England. The principles on which a revision of the tariff of duties was to be made, gave rise, in the former session, to warm and long debates, which, in the following one, led to those that involved the serious question of a right of one or more of the States to nullify a law making such revision on principles that it might regard as contrary to the provisions

of the constitution. On both occasions, Mr. Dallas took part in these debates. On the former, after an eloquent picture of the situation and resources of the United States, he touched with a powerful, but friendly spirit, the various causes to which, independently of the policy of protection generally advocated by the Northern statesman, might be imputed the distresses that were supposed peculiarly to affect and injure the agriculture of the South. Following then the course of general opinion, as well as the declared policy of Pennsylvania, as evinced in the repeated votes of her Legislature, he presented, in a manner not often surpassed in force and clearness, by those who have treated the matter in the same light, the views then entertained on the best mode of adjusting the delicate question, so as to save the South from any real injury, and yet preserve from destruction the labor and pursuits of the Northern and Middle States. When the heightened excitement of the following year produced that gloomy epoch in our fraternal annals, which was marked by serious discussions on the extent of force that the General Government might exert upon the opposing laws of the States, and the consequent actions of her authorities and people, he sustained that power in the Union which he believed to be essential to its preservation, and warranted by the spirit and terms of the contract, but deprecated, in so doing, every measure not clearly necessary for those objects. On all questions appearing to involve any differences of policy or interest among the States, Mr. Dallas appears uniformly to have leaned to that course which he deemed most calculated, even at some sacrifice, to preserve the harmony of the whole.

On the 3d of March, 1833, the term expired for which he had been elected to the Senate. At his own request, his name was withheld from the Legislature as a candidate for re-election. He was desirous to return to the bar, from which such an occupation necessarily withdrew him; and his doing so was speedily followed by his appointment to an office, whose duties, while not unconnected with politics, were far more in accordance with his professional pursuits. He was selected by Governor Wolf as the Attorney General of his native State, and he continued to hold it with increasing reputation, and with a degree of approbation and confidence on the part of the whole community, never exceeded, nor often equalled, until the change in the executive administration of the State, by the election of Governor Ritner, of course induced him to withdraw.

Mr. Dallas had scarcely retired to private life, when he was made the object of one of the most remarkable proceedings that have ever characterized the political course of the party opposed to Democratic principles during any of the intervals of their temporary ascendancy. Under the pretext of inquiring into the character and acts of secret associations, several of the leading members of the Republican party were summoned to Harrisburg in the middle of the winter, and, in defiance of the positive provisions of the constitution of the State, a right was assumed by a committee of the Legislature to investigate their private and social conduct as members of Masonic societies. Of the persons subjected to this strange inquisition, Mr. Dallas was one. He obeyed the summons issued under the apparent sanction of the House of Representatives, and appeared before the committee; but when asked to take the oath by which he was required virtually to acknowledge the right of instituting an inquisition so unheard of, into the private and harmless conduct of himself and his associates, he

refused, in a short but most impressive address, and displayed in terms that led to the abortive termination of the disreputable affair its injustice, illegality and folly. He perceived, on this occasion, the secret influence that had been exerted to so fatal a result, by which the Bank of the United States was imposed, by corrupt and dishonest means, on the people of the United States, and especially of Pennsylvania, as a State institution. He lent the aid of his influence and talents to resist it while he remained at Harrisburg; and on his return to Philadelphia, attacked his Democratic brethren, in public discussions, on the fallacy of the address whose near approach had been carefully concealed. The history of this disastrous measure, and the remedy which it is necessary to achieve, is now being developed in all its details, directly or indirectly acknowledged in the course of it. The State was plunged into the long train of disaster from which it is now emerging, not only because it permitted itself to be deceived, and of which the subjects, extending far beyond their immediate objects, have produced the most deplorable results, on the business, prosperity, and even character of the American people. Even after the shackles have been fixed, Mr. Dallas was among those who sought to relieve the community from so fatal a thralldom. Taking advantage of the approaching convention, when the people of the State were to meet with every attribute of original sovereignty not restrained by the Constitution of the United States, and of which the assembling was proclaimed by the God of the people before the meeting in session was passed, he called for the reconsideration of the State in a noble and eloquent address, the propriety of examining into the causes that had been perpetrated, and relieving the commonwealth, by an edict of that body, from all fraudulent invasions of its rights, the cause being taken to protect and indemnify individuals concerned in the institution from any and all consequences.

The political history of the following winter was marked by the election of Mr. Van Buren to the Presidency, and on the 10th of March of this year was offered to Mr. Dallas the post of Envoy Extraordinary and Minister Plenipotentiary to Russia. In that country he remained till October, 1839. The only portion of his official correspondence, while there, that has been made public, is his discussion with Count Nesselrode, relative to the navigation and commercial intercourse of the two nations on the coast of the Pacific Ocean. It develops several points connected with the rights of the respective governments on those shores, presented with great clearness and interest, and destined to hold a place in the history of the world, to become subjects of still more general and intimate examination. The claims and rights of the Americans are sustained with great ability and spirit. To those objects of inquiry which, in such a country as Russia, would naturally arise, an intelligent mind, Mr. Dallas devoted great attention. In his mind, and study of the laws, manners, and character of its people, he plunged with a natural enthusiasm, and collected a variety of facts tending to elucidate all these subjects. In a public address, delivered not long after his return to the United States, he sketched with a vivid and brilliant pen several of these topics but it is to be hoped that from the materials he has collected, a more complete and extended work may be hereafter given to the public. It is one which is rendered peculiarly interesting from the nature of the friendly relations that have existed, and that circumstance will probably long preserve. He remarked with great truth, in the address referred to, that such, for more

than half a century has been the strangeness and pervasiveness of other international pretensions; that the Republic and that Despotism, though widely separated, recognised the wisdom of, closely cementing their mutual antipathy. The freedom of the seas, the rights of neutrality, the speechless abhorrence of the wrongs, were early links of sympathy and confidence which the forests of Mr. Dallas and the great waters of the ocean have since added others, springing mainly from a common consciousness that while there can seldom be ever be points of enmity, their geographical relations in opposite ranks of rival and ambitious powers, gives to their declared friendship and efficiency in discouraging as well as in cherishing them upon their own security, patriotism, and independence. It is but a reasonable necessity which seeks to understand a nation more likely than any other to be the permanent and placid ally of the United States. It is not an vain wish to do so, since Mr. Dallas's return from Russia, he has devoted himself exclusively to the practice of his profession, and though, it is generally understood, that not long after that he had a cabinet, was tendered to him by Mr. Van Buren, he has adhered to his determination to remain in private life. That he will be long permitted to do so, we cannot think, unless he shall strenuously resist the wishes and the judgment of his fellow citizens. To the confidence reposed in him, founded in his adherence from earliest youth to the accepted doctrine of the Republican party on every great national question, the ability of genius, to spoliates personal life, and qualities so calculated to win the affection and regard of all with whom he is related into association, that his native State, placing him as he does in the highest class of her favorite sons, will scarcely consent that the ripe years of his life shall be withdrawn altogether from her service, and that of this people of the United States. Admiring and willing as he would withal to do his duty, the most exalted offices that his fellow citizens can bestow, their hope is certainly his genial heart is reasonable and just, that none of the accidents which hang upon all human footsteps may withhold him from the honorable discharge of those public trusts which are conferred by the willing suffrages of a free people, upon those among them who have been found to be the most deserving, up to the point of his departure. In personal appearance and deportment, few men blend more simplicity and dignity, and as a public speaker, his manner is singularly, prepossessing. Though not hasty or unusually rapid, his lively imagination and success in happy illustration give to his speeches, even when least premeditated, an attractive variety, aptness, and ease, and make him one of the most fortunate of orators in occasional addresses to popular bodies. He has been one of the most successful of speakers requiring the highest talents for debate. To letters he is known to have always been much devoted, as the occupations of an otherwise active life would permit. His numerous political papers give evidence of an excellent style, and it is not many years since his occasional contributions in the various branches of elegant literature were to be found in the publications of the day. If the wish may be fairly indulged that one whose public life has hitherto been so useful, may not be hereafter withdrawn from a participation in public affairs, the hope may be expressed with equal justice, that literature may yet receive from his pen many of those contributions in which genius and taste are brought to illustrate the dictates of a judgment always enlightened, and the most sentiments of a generous heart.

SKETCH

OF

THE LIFE AND PUBLIC SERVICES

OF

GEN. LEWIS CASS.

LEWIS CASS was born at Exeter, in New Hampshire, on the 9th day of October, 1782. His father, Major Jonathan Cass, was a soldier of the Revolution, who enlisted as a private the day after the battle of Lexington. He served in the army till the close of the war, and was in all the important battles in the Eastern and Middle States, where he was distinguished for his valor and good conduct, and attained the rank of captain. He was afterwards a major in Wayne's army, and died at an advanced age, after a life of usefulness and honor, at his residence, near Dresden, in Muskingum county, Ohio. His son, Lewis Cass, the subject of this biography, emigrated, at the age of seventeen, to the then Northwestern Territory, and settled first at Marietta, in the county of Washington. He was thus, as he was recently called by the convention of Ohio, one of the "early pioneers" of that immense western region, which has already risen to such a magnitude in our own days, and is destined to attain one so much greater hereafter. The country north of the Ohio then contained one Territory and about twenty thousand people.

Mr. Cass bore his full share in the toils, privations, and dangers to which the defence of a new country, and its conversion from a primitive forest to the happy abodes of civilized man, are necessarily exposed. He read law at Marietta, and was admitted to the bar before the close of the Territorial Government. He commenced the practice, and, as was the custom then, visited the courts in a large district of country, travelling on horseback, and encountering many difficulties unknown to the members of the bar at the present day.

In 1806, he was elected a member of the Legislature of Ohio, and during the session he took his part in the business of the day. He drafted the law which arrested the traitorous designs of Burr, and introduced an address to Mr. Jefferson, which was unanimously adopted, expressing the attachment of the people of Ohio to the Constitution of the United States, and their confidence in that illustrious man. In March, 1807, he was appointed, by Mr. Jefferson, marshal of Ohio. In the execution of the duties of that office, in the business of his profession, and in the occupation of a farm in Muskingum county, where he resided, he passed his time until 1812. Then our difficulties with England assumed a portentous aspect. Her multiplied aggressions left us no recourse but war; and the statesmen of the day prepared for it with firmness. As one of the preparatory arrangements, it was determined to march a considerable force to

the northwestern frontier, to be ready for offensive or defensive measures, as circumstances might render it necessary. The command was given to General Hull; and a regiment of regular troops, which had fought with credit at Tippecanoe, was assigned to him. To this were to be added three regiments of Ohio volunteers. As soon as this demand upon their patriotism was known, the citizens of that State hastened to the call of their country, and the force was raised without delay or difficulty. Mr. Cass was among the volunteers, and was elected to the command of the third regiment. He proceeded immediately with his regiment to Dayton, where the army was concentrated, and whence it commenced its march for Detroit. The country was a trackless forest, and much of it was low and wet. Great difficulties were interposed to the advance of the troops by the streams and marshes, and by the necessity of cutting a road. But these were overcome with the usual good will and perseverance of the American soldiers. The army reached Detroit on the 4th of July, 1812.

Official information that war would be declared, overtook them in the wilderness; but the declaration itself was not received until they reached Detroit. Colonel Cass was perhaps more urgent for an invasion of Canada than any officer in Hull's army. He was decidedly in favor of making an early and decisive movement, before the British should be prepared for the invasion. We conceive it to be no disparagement to any one to say that he was the master-spirit of that army until the affair at the Canards; after which, it is known, he disapproved of every step taken by the commanding general. There can now be no doubt that Hull's army never would have entered Canada but for the persuasions of Colonel Cass. So anxious was he to push forward and do something to meet the just expectations of the Administration and the country, that he commanded the advanced detachment, and was the first man to land in arms in the enemy's country.

On the 15th of July he was ordered to attack a British detachment stationed at the river Aux Canards, about fifteen miles from Detroit, and five miles from Fort Malden, then the British headquarters. He crossed the river some distance above the enemy's post, and briskly attacked them; when, after some loss, they fled. Here was spilt the first blood during the last war. Colonel Cass took possession of the abandoned position, and immediately despatched a messenger to General

Hull, informing him of his success, and advising him to march immediately to Fort Malden—the road to which was opened. Had this been done, success must have crowned the operation, and the war, in that quarter, would have been over. He was, however, sadly disappointed by the indecision of Hull, who ordered him to return and join the army. From this moment bad councils prevailed, the army lost all confidence in Hull, and he proceeded in his own course, regardless of the advice or remonstrance of his officers. About three weeks after the affair at the Canards, the whole army was ordered across the river to Detroit; in which time, had Colonel Cass's advice been taken, Malden might have been reduced, and a secure lodgment made in Upper Canada. The order of Hull to return was not less unexpected to the army than was the disgraceful surrender at Detroit, without a shot being fired, overwhelming to the country.

On entering Canada, General Hull distributed a proclamation among the inhabitants, which, for the eloquence and high spirit that it contained, cannot be surpassed; but it was sadly in contrast with the fulfillment of its professions. Unfortunately for the country, the author of the proclamation, Colonel Cass, was not the commander of the army. Had he been so, the country would have been saved the mortification of beholding the descent from the promise to the fulfillment. As it was, he used every exertion to arouse in the commanding general that spirit of patriotism which breathes in every line of the admirable paper, but in vain. A spirit of infatuation, or something worse, seized upon Hull, and led him on, from one false step to another, until the crowning act, the surrender of Detroit, without firing a gun, completed his own ruin, and brought disgrace upon the arms of his country. It is well known to the country that both Colonel Cass and Colonel McArthur were detached from Detroit previous to the surrender, ostensibly for provisions, but, in fact, because they were unwelcome counsellors at headquarters. Stung with mortification on hearing of the surrender, Colonel Cass, when ordered to deliver up his sword, indignantly shivered it in pieces, and threw it to the earth, refusing to surrender it to the enemy.

After the surrender of Detroit, Colonel Cass repaired to Washington, to report to the Government the whole circumstances attending the expedition. He was exchanged during the winter, and in the spring was appointed a brigadier general. Shortly after this, he joined General Harrison at Seneca, where the army was collecting, destined to recover the territory of Michigan, and to take possession of the western district of Upper Canada. The preparatory arrangements being completed, and the lake being open to the transportation of our troops by the victory of Perry, General Harrison commenced his movement in September, 1813, and embarked his troops at the mouth of Portage river, whence they moved, and were concentrated at Put in Bay. From here they sailed to the Western Sister, a small island off the coast of Canada, where, being all collected, the final arrangements were made. The debarkation was superintended and directed by General Cass, of the army, and Captain Elliott, of the navy; and the troops landed in perfect order, expecting to meet a formidable resistance. But the enemy had fled, after destroying the public buildings at Amherstburg and Detroit, and were in full retreat for Lake Ontario. The American army immediately commenced the

pursuit, and after capturing two small detachments, which offered some resistance in favorable positions, overtook the enemy at the Moravian towns on the river Thames, about eighty miles from Detroit. The British general, Proctor, proved himself unequal to his command. Having some days the start, if he designed to escape, he should have pushed his retreat as rapidly as possible. But he moved slowly, encumbered with much unnecessary baggage, and finding the American army closing upon him, he prepared for battle. The ground he chose was heavily covered with trees, and his left rested upon the river Thames, while his right extended into the woods, terminating in a marsh. This flank was occupied by the Indians, who it was intended should turn the American left wing and attain the rear. The army moved so rapidly that many of the troops were left behind, and a small portion only of General Cass's command was in the battle; they were stationed immediately in front of the enemy's artillery, which commanded the road, with directions to charge upon it as soon as the action commenced. General Cass volunteered his services, together with Commodore Perry, to assist General Harrison; and at the moment of the charge of Colonel Johnson's regiment, which decided the fate of the day, General Cass took a position with the right wing of it, commanded by Lieutenant Colonel Johnson, and accompanied it in its charge upon the British line. It was a dangerous experiment to charge a line of disciplined British soldiers by undisciplined mounted Americans; but valor supplied the place of discipline, and, notwithstanding the resistance, that brave regiment broke through the line, and instantly the enemy was thrown into confusion, and threw down their arms, happy to escape with their lives. The British general, Proctor, fled almost at the commencement of the action, and was pursued by General Cass, with a detachment, for some miles, but could not be overtaken.

It is well known, that in this important battle, General Cass bore a prominent part, fully sharing in the exposure and dangers of the conflict. An eyewitness, writing some twelve years since, says:

"In the autumn of 1813, I well recollect General Cass, of the Northwestern army, commanded by Harrison and Shelby. He was conspicuous at the landing of the troops upon the Canada shore below Malden, on the 27th of September, and conspicuous at the battle of the Thames, as the volunteer aid of the commanding general. I saw him in the midst of the battle, in the deep woods upon the banks of the Thames, during the roar and clangor of fire-arms, and savage yells of the enemy. Then I was a green youth of seventeen, and a volunteer from Kentucky."

General Harrison, in his report of the battle of the Thames, dated October 9, 1813, says:

"I have already stated, that General Cass and Commodore Perry assisted me in forming the troops for the action. The former is an officer of the highest promise, and the appearance of the brave Commodore cheered and animated every breast."

The battle of the Thames terminated the Northwestern campaign, and put an end to the war in that quarter, but not to the difficulties or importance of the command. The United States being once more in the possession of the Territory of Michigan, and of the Province of Upper Canada, General Cass was assigned, temporarily, the command of the district, and General Harrison withdrew with his army. On the 9th of October, 1813, he was appointed by President Madison Governor of Michigan, at that time one of the most important civil offices within the gift of the Executive.

He was the civil as well as military Governor of a large Territory, having many hundred miles of exposed frontier, filled and almost surrounded with numerous tribes of hostile Indians, in the pay of the British Government, and constantly excited to acts of hostility by British agents.

As a proof of the defenceless state of the country, it may be mentioned, that incursions were made by the Indians, and some persons made prisoners and others killed within sight of the town of Detroit, and three expeditions of mounted militia hastily collected, were led by Governor Cass in pursuit of the Indians, and some of them were killed within hearing of the town.

A single incident will show the nature of these excursions in the forests in pursuit of the Indians. General Cass's servant, who rode immediately in his rear, had a personal rencontre with an Indian who started from behind a tree, and having discharged his rifle, attacked him with the butt-end, and was killed after a short conflict.

But peace came to put an end to this state of things. The executive power of the Territory was almost unlimited, and the legislative power was in the hands of the Governor and judges until 1819. That Governor Cass performed well his highly important and delicate duties, the *whole body* of the people of Michigan will bear us witness; and the fact of his having been seven times nominated by four successive Presidents, and seven times confirmed by the Senate, without a single vote against him in that body, or a single representation against him from the people over whom he presided—a state of things unexampled in the history of our Territorial Governments—is a sufficient proof of the wisdom of his administration.

In the discharge of his duties as Superintendent of Indian Affairs, Governor Cass was called upon to enter into many negotiations with the Indian tribes, and often under circumstances of great peril and responsibility. He formed twenty-one treaties with them, and extinguished their title to nearly one hundred millions of acres of land; a vast domain acquired for the United States, but upon terms so just and satisfactory to the Indians, that no complaint was ever made by them upon the subject.

There are two incidents connected with the formation of these treaties, which strongly illustrate Governor Cass's judgment and decision, of character. In the expedition of 1820, it became his duty to inform the Indians at Sault de St. Marie, of the intention of our Government to establish a military post there, and to fix upon the site for the same. The chief of the tribe was openly opposed to the United States, and in the pay of the British Government. In consequence of this, they heard the intention of Governor Cass, with apparent ill-will, and broke up the councils, with the most hostile feeling. On returning to their encampment, they removed their women and children into Canada; and having prepared themselves for battle, raised the British flag, as a token of defiance. Governor Cass had but a small detachment of soldiers with him, while the Indians numbered eight hundred warriors. Unaccompanied, except by his interpreter, he advanced directly into their midst, and, with his own hands, pulled down the flag, trampled it under his feet, and afterwards burned it, ordering the interpreter to inform the Indians that "they were within the jurisdiction of the United States, and that no other flag than theirs could be permitted to wave over it." The moral

influence of this bold act had the desired effect: the Indians returned the next day to the council, and the treaty was concluded, without any further threats or insults. On arriving at Green Bay, in 1827, for the purpose of forming a treaty, Governor Cass found that the Winnebago Indians had not yet come in; and as the object of the treaty was to settle difficulties among some of the tribes, the non-appearance of the Winnebagoes was an evidence of their desire for war rather than peace. He immediately reëmbarked on board his birch canoe, for their camping ground, to prevent any hostilities, and to bring them to the treaty ground. He rapidly pursued his voyage up the Fox river, across the portage, and down the Wisconsin, to the place of encampment. Taking with him only his interpreter, he went up to the encampment, where he found them in warlike mood, and determined not to treat. Threats and entreaties were alike unavailing with this exasperated tribe. He left them, and returned to his canoe. As he turned to go to the river, a young warrior raised his gun, and taking deliberate aim at him, pulled the trigger; but, providentially, the gun missed fire. This is the only instance of violence ever offered to him during the long period of his intercourse with the Indians. He proceeded immediately to Prairie du Chien, where he organized the inhabitants, and placed them in a condition of defence, and returned to the treaty ground. By his prompt and energetic movements he prevented extensive hostilities, the end of which no man could know.

In 1831, Gen. Cass was called by Gen. Jackson to take charge of the War Department, and his removal from Michigan Territory was marked by a universal expression of regret. His colleagues in the Cabinet were—Mr. Livingston, Mr. McLane, Mr. Woodbury, and Mr. Taney—men who possessed the confidence of the President, and soon acquired that of the country. The characteristic traits of General Jackson's administration have now passed into history. It was bold, prompt, honest, and national. It sought no dangerous constructive powers, and it endeavored carefully to exercise those of which it was the trustee, for the American Confederation. The great questions of the bank, of the removal of the deposits, of nullification, of the French indemnity, and of the Creek and Cherokee difficulties—three of which involved delicate points connected with State rights—occupied its attention, and were all happily disposed of. Few, if any, now call in question the wisdom of General Jackson's course upon these important subjects, though it is difficult now to realize the intense anxiety they excited, and the momentous consequences which hung upon their decision. So far as the War Department necessarily took any immediate course in these questions, it was prompt and energetic, and met with the approbation of the country. At the portentous period of nullification, the military orders were firm, but discreet, and it appeared by a message from the President, in answer to a call upon that subject, that *no order had been at any time given to "resist the constituted authorities of the State of South Carolina, within the chartered limits of said State."* The orders to General Scott informed him, that, "*should, unfortunately, a crisis arise, when the ordinary power in the hands of the civil officers should not be sufficient for the execution of the laws, the President would determine the course to be taken, and the measures to be adopted; till then he was prohibited from acting.*"

The same caution marked the order to the troops when there seemed to be danger of a collision with the authorities of Alabama, arising out of occurrences upon the lands of the United States in that State. In proof of this, we quote the following extract of a letter from the War Department, written by Governor Cass to Major McIntosh, and dated October 29, 1833:

"Sir: Your letter of the 21st instant to Major General Macomb has been laid before me; and, in answer, I have to inform you that you will interpose no obstacle to the service of legal process upon any officer or soldier under your command, whether issuing from the courts of the State of Alabama, or of the United States. On the contrary, you will give all necessary facilities to the execution of such process. It is not the intention of the President that any part of the military force of the United States should be brought into collision with the civil authority. In all questions of jurisdiction, it is the duty of the former to submit to the latter, and no considerations must interfere with that duty. If, therefore, an officer of the State, or of the United States, come with legal process against yourself, or an officer or soldier of your garrison, you will freely admit him within your post, and allow him to execute his writ undisturbed."

In 1836, General Cass was appointed minister to France, and immediately resigned his post as Secretary of War. On retiring from the department, he received a letter from General Jackson expressing warm personal feelings towards him, and commending his whole official conduct. He sailed from New York in the month of October. As diplomatic relations had not been fully reestablished with France, he was directed to proceed to England, and there ascertain the views of the French Government. He found that a French minister had been appointed to this country, and he immediately repaired to Paris and took up his residence there. After his recognition, his first official duty was to procure the interest due upon the twenty-five millions of francs indemnity, which had been retained when the principal was paid. After some hesitation this was effected; and thus this great controversy, which at one time threatened such grave consequences, was happily closed.

In 1837, General Cass made a tour to the East. He visited Italy, Sicily, Malta, Greece, the islands of the Archipelago, Constantinople and the Black Sea, Egypt, Palestine and Syria. He was at Florence, Rome, Palermo, Athens, Corinth, Eleusis, Salamis, and the battle-fields of Platea, Leuctra, Cheronæa, and Marathon—at the plains of Troy, at Alexandria, Cairo and the Pyramids, at Jaffa, Jerusalem, Bethlèhem, the Dead Sea, Nazareth, the Sea of Tiberias, Tyre, Sidon, Baalbec, and Damascus. Memorable places these, and calculated to excite strong emotions in the mind of an American who had passed a large portion of his life amid the toils and privations of a new country.

After his return to Paris, General Cass resumed the duties of his mission, and continued in their regular execution till its termination. He was proverbial for his kindness and hospitality to his countrymen, none of whom were denied his attentions, and few of whom visited Paris without being invited to his house. His observations upon the Government and people of France were given to the public in the pages of the Democratic Review, in an article entitled "France, its King, Court, and Government," which most of our readers will probably recollect. Among other literary papers he published in this country, was one upon the French tribunals of justice, which contained much information interesting to an American, and in which the author expressed his decided condemnation of the system of the English common

law, looking upon it as a code originating in feudal and almost semi-barbarous times, and utterly unsuited to our condition and institutions. This opinion is fast gaining ground, and we trust the time is rapidly approaching when this relic of feudal tyranny—this perfection of sense as it is called, but this perfection of nonsense as it in many cases is—will give way to reason and justice.

In 1841 arose the well-known question of the quintuple treaty, in which General Cass acted a prominent and an efficient part. The British Government, in its scheme of maritime superiority, which it never abandons, any more than its plans of territorial aggrandizement, projected a plan, by which, under the pretence of abolishing the slave trade, her ships of war would have been enabled to search and examine, and ultimately to seize, the vessels of other nations at their pleasure. This plan was to form a treaty, to which the five great Powers of Europe should be parties, by which means a new principle in the law of nations would be established, and our flag, among others, prostrated at the feet of England. This treaty was negotiated and actually signed by the ministers of the five Powers—those of England, France, Russia, Prussia, and Austria—before the nature of the transaction was fully understood by the world. It became disclosed before the ratifications were exchanged with the French Government. General Cass published a pamphlet which entered deeply into the whole matter, and which was translated into French and German, and extensively circulated upon the continent. It awakened the public attention, and created a great sensation even in England. The London Times, in announcing it, said:

"It is a shrewd performance, written with some spirit, much bold assertion of facts, and a very audacious unfairness of argument, which is rather amusing, when contrasted with a certain tone of gentlemanly endeavor, which is occasionally adopted even in the very act of performing some of his most glaring perversions."

In addition also to the pamphlet, he presented a protest to the French Government against the ratification of the treaty. In doing this, he stated that he had no instructions to pursue such a course, and adds—

"I have presumed, in the views I have submitted to you, [M. Guizot, the French Minister of Foreign Affairs,] that I express the feelings of the American Government and people. If in this I have deceived myself, the responsibility will be mine. As soon as I can receive despatches from the United States, in answer to my communications, I shall be enabled to declare to you either that my conduct has been approved by the President, or that my mission is terminated."

But he did not deceive himself. His course was warmly applauded by the American people, who are ever alive to national interest and honor, and coldly approved by the Government.

The following short extract will exhibit the spirit which pervaded this memorable paper:

"But the subject assumes another aspect, when they (the American people) are told by one of the parties that their vessels are to be forcibly entered and examined, in order to carry into effect these stipulations. Certainly the American Government does not believe that the high Powers, contracting parties to this treaty, have any wish to compel the United States, by force, to adapt their measures to its provisions, or to adopt its stipulations. They have too much confidence in their sense of justice to fear any such result; and they will see with pleasure the prompt disavowal made by yourself, sir, in the name of your country, at the tribune of the Chamber of Deputies, of any intentions of this nature. But were it otherwise, and were it possible they might be deceived in this confident expectation, that would not alter in one tittle their course of action. Their duty would be the same, and the same would be their determination to

fulfill it. They would prepare themselves, with apprehension indeed, but without dismay—with regret, but with firmness—for one of those desperate struggles which have sometimes occurred in the history of the world, but where a just cause and the favor of Providence have given strength to comparative weakness, and enabled it to break down the pride of power."

The success of this scheme, so long cherished, and so long projected on the part of England, turned upon the ratification of France. With it she could hope to establish this new principle in maritime law, and with that attain her daring object of maritime supremacy. But the opposition of two such commercial nations as the United States and France to this interpolation would have rendered hopeless its general recognition. Hence her efforts to accomplish this measure; and as, for more than half a century, she had not failed in any great object of her policy, her pride and interest were equally united in this. Her journals, therefore, were filled with the subject. It occupied the attention of her Government, her people, and her press; and her diplomatic agents through Europe were active and persevering. While the subject was under discussion in the French Chamber of Deputies, the eyes of Europe were directed to Paris, anxiously watching the result. That result was soon manifested. The public opinion of France spoke too loudly to be resisted. The Government gave way, and refused to ratify a treaty, negotiated under its own directions, and signed by its own Minister. The part which General Cass bore in this transaction is well understood and appreciated by his countrymen; and, if any doubt existed on the subject, it would have been removed by the abuse heaped upon him in the English journals, and by the declaration of Lord Palmerston, in the House of Commons, that his efforts contributed in a great degree to the rejection of the measure.

An American writing from Europe, in Niles's Register, March, 1842, says:

"General Cass has hastily prepared a pamphlet setting forth the true import and dangers of this treaty. It will be read by every statesman in Europe; and, added to the General's personal influence here, will effectually turn the tables on England. The country owes the General much for his effectual influence with this Government."

The London Times, of January 5, 1842, says:

"The five Powers, which signed the late treaty, for the suppression of the slave trade, will not allow themselves to be thwarted in the execution of this arrangement by the capricious resistance of the cabinet of Washington."

It is not a little curious, in reading over the papers relating to this transaction, to see how some of the party journals of the day in the United States censured the minister for his interference in foreign concerns; and foretold, very confidently, that he would be rebuked by the French Government. And the London Times, of May 16, 1842, states, with apparent exultation, that the venerable patriot, who has just been called from among us, (Mr. Adams,) said in Congress, that he regretted General Cass.

"Should have so completely forgotten the wholesome rules of the founders of his country, as to interfere, without instructions from his Government, in a delicate negotiation between the great Powers of Europe."

This "delicate negotiation" directly involved one of the most precious rights of the United States—that of sailing the ocean undisturbed and in peace. To prevent the consummation of such a project, was not to interfere with other nations, but to prevent other nations from interfering with us. As to the French Government, it took no such view of the matter. The answer of M. Guizot to

General Cass, was in a very good spirit, and exhibited the best feeling to the United States. He stated that the treaty had not been ratified, and disavowed all designs of doing anything whatever unfriendly to the United States.

On the 17th of September following this transaction, the news of the ratification of the Ashburton treaty reached Paris, and Governor Cass immediately resigned. His reasons for so doing we gather from the following extracts of letters to Mr. Webster:

"It is unnecessary to push these considerations further; and in carrying them thus far, I have found the task an unpleasant one. Nothing but justice to myself could have induced me to do it. I could not clearly explain my position here without recapitulation. My protest of 13th February, distinctly asserted that the United States would resist the pretension of England to search our vessels. I avowed, at the same time, that this was but my personal declaration, liable to be confirmed or disavowed by my Government. I now find a treaty has been concluded between Great Britain and the United States, which provides for the coöperation of the latter in efforts to abolish the slave trade, but which contains no renunciation by the former of the extraordinary pretension, resulting, as she said, from the exigencies of these very efforts; and which pretension I felt it my duty to denounce to the French Government. In all this, I presume to offer no further judgment than as I am personally affected by the course of the proceedings, and I feel they have placed me in a false position, whence I can escape but by returning home with the least possible delay. I trust, therefore, that the President will have felt no hesitation in granting me the permission which I asked for."

In December, 1842, General Cass returned to the United States. He was received by the citizens of Boston and New York with every demonstration of respect. His bold stand on the quintuple treaty had excited the feelings of the people in his favor, and he was everywhere hailed as the champion of the freedom of the seas and the rights of American citizens. At New York he was addressed upon political subjects, to which he furnished a brief reply, stating his unshaken attachment to the principles of the Democratic party, and his hostility to a national bank. On his route to the West, he was received at Harrisburg, Pennsylvania, and Columbus, Ohio, by the Governors and Legislatures of those States, who came out to meet him, and escorted him to their towns. At Detroit, the Governor, Legislature, city authorities, and people came out to welcome him home, as children welcome the return of a long absent father. On the 8th of January he was addressed by a committee of the Democratic State Convention of Indiana, upon political questions, to which he replied at length, declaring himself against a national bank, opposed to the distribution of the proceeds of the public lands, opposed to a tariff for protection, "that the revenue should be kept to the lowest point compatible with the performance of its constitutional functions," and opposed to altering the Constitution by abolishing the Executive veto; that he should not be a candidate for the Presidency unless nominated at the Baltimore Convention, and that he would support the nominee of that Convention.

On the 4th of July, 1843, General Cass delivered an oration at Fort Wayne, Indiana, on the completion of the Wabash and Erie canal. In this oration, while contrasting the condition and prospects of this country with the nations of the Old World, he says:

"I have stood upon the plain of Marathon, the battle-field of liberty. It is silent and desolate. Neither Greek nor Persian is there to give life and animation to the scene. It is bounded by sterile hills on one side, and lashed by the eternal waves of the Egean sea on the other. But Greek and Persian were once there, and that decayed spot was alive

with hostile armies, who fought the great fight which rescued Greece from the yoke of Persia. And I have stood upon the hill of Zion, the city of Jerusalem, the scene of our Redeemer's sufferings and crucifixion and ascension. But the sceptre has departed from Judah, and its glory from the capitol of Solomon. The Assyrian, the Egyptian, the Greek, the Roman, the Arab, the Turk, and the Crusaders have passed over this chert place of Israel and have left it of its power and beauty. In those regions of the East where society passed its infancy, it seems to have reached decrepitude. If the associations which the memory of their past glory excites are powerful, they are melancholy. They are without gratification for the present, and without hope for the future. But here we are in the freshness of youth, and can look forward with rational confidence to ages of progress in all that gives power and pride to man, and dignity to human nature. It is better to look forward to prosperity than back to glory."

In the summer of 1843, General Cass received the following letter from General Jackson:

HERMITAGE, July, 1843.

MY DEAR SIR: I have the pleasure to acknowledge your very friendly letter of the 25th of May last. It reached me in due course of mail; but such were my debility and afflictions, that I have been prevented from replying to it until now; and even now it is with great difficulty that I write. In return for your kind expressions with regard to myself, I have to remark, that I shall ever recollect, my dear General, with great satisfaction, the relations, both private and official, which subsisted between us, during the greater part of my Administration. Having full confidence in your abilities and republican principles, I invited you to my Cabinet; and I can never forget with what discretion and talents you met those great and delicate questions which were brought before you whilst you presided over the Department of War, which entitled you to my thanks, and will be ever recollected with the most lively feelings of friendship by me.

But what has endeared you to every true African, was the noble stand which you took, as our minister at Paris, against the quintuple treaty, and which, by your talents, energy, and fearless responsibility, defeated its ratification by France—a treaty intended by Great Britain to change our international laws, make her mistress of the seas, and destroy the national independence, not only of our country, but of all Europe, and enable her to become the tyrant on every ocean. Had Great Britain obtained the sanction of France to this treaty, (with the late disgraceful treaty of Washington—so disreputable to our national character and injurious to our national safety,) then indeed we might have hung our harps upon the willows, and resigned our national independence to Great Britain. But, I repeat, to your talents, energy, and fearless responsibility, we are indebted for the shield thrown over us from the impending danger which the ratification of the quintuple treaty by France would have brought upon us. For this act, the thanks of every true American, and the applause of every true republican, are yours; and for this noble act I tender you my thanks.

I admired the course of Dr. Linn in the Senate in urging his Oregon bill; and I hope his energy will carry it into a law at the next session of Congress. This will speak to England a language which she will understand.—That we will not submit to be negotiated out of our territorial rights hereafter.

Receive assurances of my friendship and esteem.

ANDREW JACKSON.

To the Hon. LEWIS CASS.

In the spring of 1844, General Cass, in reply to interrogatories upon that subject, wrote a letter, declaring himself in favor of the annexation of Texas.

In the month of May, following, the Democratic National Convention met at Baltimore, to nominate candidates for President and Vice President. On the first balloting, General Cass received eighty-three votes, and continued to rise till, on the seventh, he received one hundred and twenty-three votes. Had another ballot been taken that day, General Cass would, without doubt, have been nominated. Before the assembling of the Convention on the following day, Mr. Polk was brought forward as a compromise candidate, and, after two ballotings, received the nomination.

On the day that the news of the nomination of Mr. Polk reached Detroit, a meeting of the Democracy was held; at which General Cass, in an

able and eloquent speech, gave his warmest support to the nomination, and declared his readiness to enter the contest to secure its success. In pursuance of this, he accepted the invitation of the Nashville Committee, and was present at the great Nashville Convention in August. His arrival was announced by the firing of cannon, and he was received with every demonstration of popular enthusiasm. Of his speech there, a leading paper says:

"We did not attempt a sketch of the eloquent and powerful speech that was made by General Cass, for we felt that nothing short of its publication entire, word for word and sentence for sentence, as he uttered it to admiring thousands, would do him a full measure of justice. It was the master effort of a great statesman; and the popular thunders of applause with which it was received by the fifty acres of freemen in attendance rung through the valleys and reverberated from hill to hill, exceeding anything that we had ever heard before."

General Cass spent some time with General Jackson at the Hermitage. When they parted, the scene was most impressive and affecting. An eye-witness remarks, "The tears of the veterans were mingled together as they bade each other a last farewell."

In compliance with the popular demand, General Cass took the tour of the States of Ohio, Indiana, and Michigan. He everywhere met with the most enthusiastic reception from the people. He was hailed as the FATHER OF THE WEST. But a great change had been effected since first he came among them. The lofty forests which he then traversed were now fruitful fields; the lonely cabins which he protected from the firebrand of the savage, were transformed into populous cities; the Indian war-path was converted into the railroad; the harbors upon the lakes and rivers which he first surveyed, were now the seats of commerce and of wealth; and the scattered population which he governed were now a great people. The crowds which attended his progress through those States seemed rather the triumphal procession of a conqueror than the peaceful attendants of a private citizen.

The following incidents at the public meeting at Norwalk, Ohio, on the 17th of September, are taken from the Democratic newspaper published at that place:

"While a number of revolutionary soldiers were being introduced to General Cass, one of our citizens approached the General, and asked if he remembered him. Upon replying that he did not, he gave the following account of their first meeting: 'In the spring of 1813, Fort Meigs was besieged by the British and Indians, and the militia of Ohio were called out to march to the relief of the fort. General Cass was appointed to the command. Six thousand assembled at Upper Sandusky, of whom two thousand were selected to proceed on to the fort. The marshes and woods were filled with water, making the roads almost impassable. The commanding general had not yet arrived, but was daily expected. On the second day of the march, a young soldier, from exposure to the weather, was taken sick. Unable to march in the ranks, he followed along in the rear. When at a distance behind, attempting with difficulty to keep pace with his comrades, two officers rode along, one a stranger, and the other the colonel of his regiment. On passing him, the Colonel remarked, "General, that poor fellow there is sick; he is a good fellow though, for he refuses to go back; but I fear that the Indians will scalp him, or the crows pick him, before we get to Fort Meigs." The officer halted, and dismounted from his horse. When the young soldier came up, he addressed him: "My brave boy, you are sick and dired, I am well and strong; mount my horse and ride." The soldier hesitated. "Do not wait," said the officer; and, lifting him upon his horse, with directions to ride at night to the General's tent, he proceeded on foot to join the army. At night, the young soldier rode to the tent, where he was met by the general with a cheerful welcome, which he repaid with tears of gratitude. That officer was General

"Cass, and the young soldier was the person addressing him, our worthy fellow-citizen, John Laylin." The General, remembering the circumstance, immediately recognized him. Mr. Laylin remarked, "General, that act was not done for the world to look upon; it was done in the woods, with but three to witness it."

"Another: Our old friend Major Parks, on being introduced to General Cass, exclaimed, with much animation, 'General, I thank God that I am able to see you! I fought by the side of your father, Jonathan Cass, and your uncle, Daniel Cass, at the battle of Bunker's Hill. Your father was sergeant of the company, and I was a corporal. We were brothers together during the war. God bless you, General, for his sake.' The General was deeply affected in meeting the friend and companion of his father; while the old veteran, with eyes sparkling, recounted the scenes through which they passed together in the days of danger and strife—the times that 'tried men's souls.'"

Another anecdote of General Cass, while on his tour through Ohio, was related, with much spirit, by the late gallant and lamented General Hamer. The carriage containing General Cass was one day stopped by a man who, addressing the General, said: "I can't let you pass without speaking to you. You don't know me, General." General C. replied that he did not. "Well, sir, (said he,) I was the first man in your regiment to jump out of the boat on the Canadian shore." "No, you were not, (said General Cass;) I was the first man myself on shore." "True, (said the other;) I jumped out first into the river, to get ahead of you; but you held me back, and got on shore ahead of me."

The result of the contest in 1844 is well known. The vote of every western State, save one, and that by a meagre majority, was given for Mr. Polk. To the efforts of General Cass, and his great personal popularity exerted in favor of Mr. Polk, much of this is to be attributed. In the following winter, General Cass was elected to the Senate of the United States, and took his seat on the 4th of March, 1845. In the formation of the committees of the Senate, General Cass was unanimously tendered the post of Chairman of the Committee on Foreign Affairs, which, however, he declined. On two subsequent occasions, the same position has been offered him, but he has uniformly declined it.

In December, 1845, General Cass introduced resolutions in the Senate relative to the national defenses, with particular reference to the condition of our affairs with Great Britain, growing out of the Oregon question. These resolutions he supported in a speech, of which the following is an extract, referring to the course which should be pursued in maintaining our rights to the territory in question:

"As to receding, it is neither to be discussed nor thought of. I refer to it but to denounce it—a denunciation which will find a response in every American bosom. Nothing is ever gained by national pusillanimity. And the country which seeks to purchase temporary security by yielding to unjust pretensions, buys present ease at the expense of permanent honor and safety. It sows the wind to reap the whirlwind. I have said elsewhere, what I will repeat here, that it is better to fight for the first inch of national territory than for the last. It is better to defend the door-sill than the hearth-stone—the porch than the altar. National character is a richer treasure than gold or silver, and exercises a moral influence in the hour of danger which, if not power itself, is its sure ally. Thus far, ours is unimpaired; and let us all join, however separated by party or by space, so to preserve it."

In the month of March following, General Cass delivered his celebrated speech on the Oregon question. As this speech has been circulated and read very generally, a mere allusion to it here is all that would appear necessary; but the following extract expresses so fully the sentiment of every patriotic American that it is worthy of record:

"It pains me, sir, to hear allusions to the destruction of this Government, and to the dissolution of this Confederacy. It pains me, not because they inspire me with any fear, but because we ought to have one unpronounceable word, as the Jews had of old, and that word is *Dissolution*. We should reject the feeling from our hearts and its name from our tongues. This cry of 'Wo, wo, to Jerusalem,' grates harshly upon my ears. Our Jerusalem is neither beleaguered nor in danger. It is yet the city upon a hill, glorious in what it is, still more glorious, by the blessing of God, in what it is to be—a landmark, inviting the nations of the world, struggling upon the stormy ocean of political oppression, to follow us to a haven of safety and of rational liberty. No English Titus will enter our temple of freedom through a breach in the battlements, to bear thence the ark of our Constitution and the book of our law, to take their stations in a triumphal procession in the streets of a modern Rome, as trophies of conquest and proofs of submission."

"Many a raven has croaked in my day, but the augury has failed, and the republic has marched onward. Many a crisis has presented itself to the imagination of our political Cassandras, but we have still increased in political prosperity as we have increased in years, and that, too, with an accelerated progress unknown to the history of the world. We have a class of men whose eyes are always upon the future, overlooking the blessings around us, and forever apprehensive of some great political evil, which is to arrest our course somewhere or other on this side of the millennium. To them we are the image of gold, and silver, and brass, and clay, contrariety in unity, which the first rude blow of misfortune is to strike from its pedestal."

"For my own part, I consider this the strongest Government on the face of the earth for good, and the weakest for evil. Strong, because supported by the public opinion of a people inferior to none of the communities of the earth in all that constitutes moral worth and useful knowledge, and who have breathed into their political system the breath of life; and who would destroy it, as they created it, if it were unworthy of them, or failed to fulfill their just expectations."

"And weak for evil, from this very consideration, which would make its follies and its faults the signal of its overthrow. It is the only Government in existence which no revolution can subvert. It may be changed, but it provides for its own change, when the public will requires. Plots and insurrections, and the various struggles, by which an oppressed population manifests its sufferings and seeks the recovery of its rights, have no place here. We have nothing to fear but ourselves."

The part taken by General Cass in the subsequent exciting controversy on this question, and his vote in opposition to the treaty, are too well known to require further notice. Having been trained in the school which taught him, in our intercourse with foreign nations, to ask for nothing but what is right and to submit to nothing that is wrong, he had the moral courage to stand up for the right, whatever might be the consequences.

During this session of Congress hostilities commenced between the United States and the Republic of Mexico. General Cass advocated the most energetic measures for a vigorous prosecution of the war, and for carrying it into the heart of the enemy's country.

In the winter of 1847, the "Wilmot Proviso" was introduced into the Senate, as an amendment to the three-million bill, by a Federal Senator from New England. The design of the mover was evidently to defeat the passage of the bill, to which it was to be attached, and to embarrass the Administration in the prosecution of the war. General Cass voted against the proviso, for reasons given in his speech on the occasion.

It was during the sessions of this Congress that the tariff of 1846, and the independent treasury, were established. It is not alone to the exclusive champion of free trade, and the ultra advocate of a hard-money currency, that the opponents of protection and the enemies of a paper currency are to look for the defeat of those measures. Such men are usually in the pursuit of some theoretical abstraction, which gives them but little influence with

practical men. But it is to men of enlarged and liberal views, whose strength of character and influence carry conviction with their action, that the country is indebted for radical and beneficial reforms. General Cass gave to these great measures the weight of his influence and his zealous and unflinching support. At the close of that Congress General Cass was invited, by the Democratic members of the Legislature of New York, to partake of a public dinner at Albany, as a mark of their appreciation of his brilliant public services and their estimation of his character as a man. This honor, however, he declined.

In August, following, he delivered an address before the literary societies of Dartmouth College, New Hampshire, at the annual commencement of that institution. The societies afterward prepared an elegant gold-headed cane, with appropriate devices, which was presented to him in Washington, on the 4th of March, 1848.

On the meeting of the present Congress General Cass was elected chairman of the Committee on Military Affairs—a post for which he was most eminently qualified, and which, as he had been unanimously selected, he considered it his duty to accept. His course as chairman of that committee, and his views upon the war question, have been seen in the daily proceedings of the Senate. The following brief reply, to Mr. Mangum, is probably as good a summary of his opinions as can be given:

"Now, with respect to the progress of the war, it is said that General Scott is going on from town to town, and from city to city, conquering all before him. I am very glad to hear it. I hope that the commanding general will continue to go on in this way. If he does so, I have no doubt he will conquer Mexican obstinacy, and thus conquer a peace. I have already expressed my opinions with regard to the war in Mexico, and have nothing to say on the subject now, except to tell the Senator from North Carolina, what I had the honor to say to the Senator from South Carolina, that the adoption of any resolutions in this Senate with regard to any danger—if danger there be—in the progress of this war, would be but as the idle wind. You might as well stand by the cataract of Niagara, and say to its waters 'flow not,' as to the American people 'annex not territory,' if they choose to annex it. It is the refusal of the Mexican people to do us justice that prolongs this war. It is that which operates on the public mind, and leads the Senator from North Carolina to apprehend a state of things which he fears, but which, for myself, I do not anticipate. Let me say, Mr. President, that it takes a great deal to kill this country. We have had an alarming crisis almost every year as long as I can recollect. I camp on the public stage as a spectator before Mr. Jefferson was elected. That was a crisis. Then came the embargo crisis—the crisis of the non-intercourse—of the war—of the bank—of the tariff—of the removal of the deposits—and a score of others. But we have outlived them all, and advanced in all the elements of power and prosperity with a rapidity heretofore unknown in the history of nations. If we should swallow Mexico tomorrow, I do not believe it would kill us. The Senator from North Carolina and myself may not live to see it, but I am by no means satisfied that the day will not come in which the whole of the vast country around us will form one of the most magnificent empires that the world has yet seen—glorious in its prosperity, and still more glorious in the estab-

lishment and perpetuation of the principles of free government and the blessings which they bring with them."

In December, 1847, General Cass gave his views at length upon the "Wilmot Proviso," in a letter to Mr. Nicholson, of Tennessee. In that letter he avowed himself opposed to the measure, and to the exercise of any legislation by Congress, over any of the territories of the United States, respecting the domestic relations of their inhabitants. He believed that all questions of that nature should be settled by the people themselves, who ought to be allowed "to regulate their internal concerns in their own way," and that Congress has no more power to abolish or establish slavery in such territories than it has to regulate any other of the relative duties of social life—that of husband and wife, of parent and child, or of master and servant. He said, in conclusion:

"The 'Wilmot Proviso' seeks to take from its legitimate tribunal a question of domestic policy, having no relation to the Union, as such, and to transfer it to another, created by the people for a special purpose, and foreign to the subject-matter involved in this issue. By going back to our true principles, we go back to the road of peace and safety. Leave to the people, who will be affected by this question, to adjust it upon their own responsibility and in their own manner, and we shall render another tribute to the original principles of our Government, and furnish another guarantee for its permanence and prosperity."

The Democratic State Convention of Ohio, on the 8th of January, 1848, declared in favor of General Cass for the Presidency, with a unanimity unequalled in the previous history of the State. Although there was much difference of opinion in the selection of a candidate for Governor, yet the popular sentiment in favor of General Cass, and the conviction that with him as the candidate their State could be placed among the foremost of the Democratic States of the Union, induced an almost unanimous expression in his favor. (At the last election in the State of Ohio, the popular vote was Democratic by a majority of 1,563.) The State Convention of Michigan has also unanimously placed him in nomination for the Presidency. In the Democratic State Convention of Pennsylvania, held at Harrisburg, on the 4th of March, 1848, a resolution, in the highest degree complimentary to General Cass, was unanimously reported by the committee, and adopted with acclamation by the convention.

It is not necessary to refer to the numerous public demonstrations and the leading journals which have given expressions in his favor in New England, the Middle States, the West, and the South. Public opinion, looking to his brilliant services, sterling integrity, and unflinching fidelity, has pointed to him as THE MAN FOR THE TIMES, and the proper exponent of the American Democracy. Plain and unassuming in his manners, kind and generous to a fault, frank and social in his intercourse with his fellow-men, he is, in every sense of the word, a Democrat.

WASHINGTON, *March, 1848.*

David
1814-1868

Soil Mags

SPEECH OF MR. WILMOT, OF PENNSYLVANIA,

ON HIS AMENDMENT

RESTRICTING SLAVERY FROM TERRITORY HEREAFTER ACQUIRED.

Delivered in the House of Representatives of the United States, Feb. 8, 1847.

The House being in Committee of the Whole on the state of the Union upon the Three Million Appropriation Bill—

Mr. WILMOT addressed the committee as follows :

Mr. CHAIRMAN: I suppose it will be proper for me to notify the committee that I intend to move to amend the bill now under consideration, by the additional section which has been read, without designating the particular place in the bill where I desire it to stand. I do not wish to deprive the gentleman from Virginia, (Mr. DROMGOOLE,) or any one else, of the opportunity to move any amendment to this bill; but I am embarrassed by the rules of the House, (with which I am but little acquainted,) and I do not intend to surrender, or be deprived of the floor. I wish to be heard upon this question, and I cannot consent to yield to the gentleman from Virginia, and thereby be deprived, by the operation of some parliamentary rule, of an opportunity of vindicating this amendment, and the position I occupy before the House and the country. It is my privilege, sir, it is my duty, to justify myself upon this momentous question; to vindicate the stand I have taken, and that I am resolved to maintain. I am not one of those who move without reflection, or change without reason. In the discharge of duty, sir, I have stood alone among my delegation on this floor; on that occasion, sir, in support of the great leading measure of this Administration. Now, sir, if the delegation choose to change their action, I shall not shrink from the responsibility of again standing alone, even in opposition to the wishes of that Administration, the general policy of which I approve. Entrenched behind the right, neither "powers nor principalities—things present, nor things to come"—shall change my purpose, or swerve me from my object. Sir, the history of my public life will be brief. The page upon which it is written shall bear record that I acted the part of a fearless Representative; that I took my position upon great national questions after mature deliberation, and maintained it with the firmness and consistency of a man.

Sir, it will be recollected by all present, that, at the last session of Congress, an amendment was moved by me to a Bill of the same character as this, in the form of a Proviso, by which slavery should be excluded from any territory that might subsequently be acquired by the United States from the Republic of Mexico.

Sir, on that occasion, that Proviso was sustained by a very decided majority of this House. Nay, sir, more, it was sustained, if I mistake not, by a majority of the Republican party on this floor. I am prepared, I think, to show that the entire South were then willing to acquiesce in what appeared to be, and, in so far as the action of this House was concerned, what was the legislative will and declaration of the Union on this subject. It passed this House. Sir, there were no threats of disunion sounded in our ears. It passed here and went to the Senate, and it was the judgment of the public, and of men well informed, that, had it not been defeated there for want of time, it would have passed that body and become the established law of the land. Sir, the charge was not then made upon me, nor upon those who acted with me, of having, by the introduction of that Proviso at an untimely period, defeated a measure deemed necessary by the President for the establishment of peace between this country and Mexico. The "Union," sir, the whole Democratic Press of the land, charged the defeat of this appropriation, on the unparliamentary conduct of a Senator from Massachusetts, (Mr. DAVIS.) He, sir, it was, that was charged with having defeated this measure, by the Administration press, and the Organ of the Administration here at the capital. More, sir, the "Union" was not sparing in its denunciations of the Massachusetts Senator, for the defeat of this measure. Does this not prove, that the President was anxious for this appropriation under the restrictions imposed by my Proviso? Upon these facts, I assert that the President was willing to take the money and the Proviso together, and the South were prepared to abide by the judgment and will of the nation.

Sir, I have been spoken of as an Abolitionist, by a correspondent of the Union, because of my connection with this movement. I say to the respectable editor of that paper, for whom I entertain high regard, that I am no more of an Abolitionist than he is a Hartford Convention Federalist; and of that no man, who knows his history or character, will charge him. I am as far from the one, as he is from the other.

I assert, then, that the South was prepared to

acquiesce in this restriction of slavery from free territory.

Mr. SIMS, of South Carolina, (Mr. WILMOT yielding the floor,) said he recollected, when the question was under discussion here, near the close of the last session, that he had made remarks sustaining the propriety of the two million appropriation; but, in the course of these remarks, he deprecated, as untimely and mischievous, the proposition which came from the gentleman from Pennsylvania; and the entire South, so far as he recollected, (he knew he did, at least,) when the Proviso was voted upon, voted against it; and he voted against his declared sentiments in reference to the appropriation, so unwilling was he to give any countenance to such a Proviso.

Mr. WILMOT, resuming. I was aware that the Proviso met with no favor from the South. I did not mean to declare that it did; and, if the gentleman so understood me, I was misunderstood. I did not intend to say that the South was favorable in any way to the Proviso which I offered. Her representatives resisted it, manfully, boldly resisted it. But, sir, it was passed. There was then no cry that the Union was to be severed in consequence. The South, like brave men defeated, bowed to the voice and judgment of the nation. No, sir, no cry of disunion then. Why now? The hesitation and the wavering of northern men on this question has encouraged the South to assume a bolder attitude. This cry of disunion proceeds from no resolve of the South. It comes, sir, from the cowardice of the North. Why, in God's name, should the Union be dissolved for this cause? What do we ask? We demand justice and right. If this were a question of compromise, I would yield much. Were it a question of this character I would go as far as any man. But it is no question for compromise or concession. It is a question of naked and abstract right; and, in the language of my colleague from the Erie district, (Mr. THOMPSON,) sooner shall this right shoulder be drawn from its socket, than I will yield one jot or tittle of the ground upon which I stand. No concession, sir, no compromise. What, I repeat, do we ask? That free territory shall remain free. We demand the neutrality of this Government upon the question of slavery. Is there any complexion of Abolitionism in this, sir? I have stood up at home, and battled, time and again, against the Abolitionists of the North. I have assailed them publicly, upon all occasions, when it was proper to do so. I have met them in their own meetings, and face to face combated them. Any efforts, sir, that may be made, here or elsewhere, to give an abolition character to this movement, cannot, so far as my district and my people are concerned, have the least effect. Any efforts made to give to me the character of an Abolitionist, will fall harmless when they reach my constituents. They know me upon this question. They know me distinctly upon all questions of public interest. My opinions have ever been proclaimed without reserve, and adhered to without change, or the shadow of turning. I stand by the Constitution upon this question. I adhere to its letter and its spirit. I would never invade one single right of the

South. So far from it, I stand ready at all times and upon all occasions, as do nearly the entire North, to sustain the institutions of the South as they exist. When the day of trial comes, as many, many southern men fear it may come, we stand ready, with our money and our blood, to rush to the rescue. When that day comes, sir, the North will stand shoulder to shoulder with their brethren of the South. We stand by the Constitution and all its compromises.

But, sir, the issue now presented is not, whether slavery shall exist unmolested where it now is, but whether it shall be carried to new and distant regions, now free, where the foot-print of a slave cannot be found. This, sir, is the issue. Upon it I take my stand, and from it I cannot be frightened or driven by idle charges of Abolitionism. I ask not that slavery be abolished. I demand that this Government preserve the integrity of free territory against the aggressions of slavery—against its wrongful usurpations. Sir, I was in favor of the annexation of Texas. I supported it with my whole influence and strength. I was willing to take Texas as she was. I sought not to change the character of her institutions. Slavery existed in Texas—planted there, it is true, in defiance of law; still it existed. It gave character to the country. True, it was held out to the North, that at least two of the five States to be formed out of Texas would be free. Yet, sir, the whole of Texas has been given up to slavery. The Democracy of the North, almost to a man, went for annexation. Yes, sir, here was an Empire larger than France given up to slavery. Shall farther concessions be made by the North? Shall we give up free territory, the inheritance of free labor? Must we yield this also? Never, sir, never, until we ourselves are fit to be slaves. The North may be betrayed by her Representatives, but upon this great question she will be true to herself—true to posterity. Defeat! Sir, there can be no defeat. Defeat to-day will but arouse the teeming millions of the North, and lead to a more decisive and triumphant victory to-morrow.

But, sir, we are told, that the joint blood and treasure of the whole country being expended in this acquisition, therefore it should be divided, and slavery allowed to take its share. Sir, the South has her share already—the instalment for slavery was paid in advance. We are fighting this war for Texas and for the South. I affirm it—every intelligent man knows it—Texas is the primary cause of this war. For this, sir, northern treasure is being exhausted, and northern blood poured out upon the plains of Mexico. We are fighting this war cheerfully, not reluctantly—cheerfully fighting this war for Texas; and yet we seek not to change the character of her institutions. Slavery is there, there let it remain. Sir, the whole history of this question, is a history of concessions on the part of the North. The money of the North was expended in the purchase of Louisiana, two-thirds of which was given up to slavery. Again, in the purchase of Florida, did slavery gain new acquisitions. Slavery acquired an Empire in the annexation of Texas. Three slave States have been admitted out of the Louisiana purchase. The slave State of Florida has been received into

the Union; and Texas annexed, with the privilege of making five States out of her territory. What has the North obtained from these vast acquisitions, purchased by the joint treasure, and defended by the common blood of the Union? One State, sir, one. Young Iowa, just admitted into the Union, and not yet represented on the floor of the Senate. This, sir, is a history of our acquisitions since we became a Nation. A history of northern concession—of southern triumphs. Now, sir, we are told that California is ours—that New Mexico is ours—won by the valor of our arms. They are free. Shall they remain free? Shall these fair provinces be the inheritance and homes of the white labor of freemen, or the black labor of slaves? This, sir, is the issue—this the question. The North has the right, and her representatives here have the power. Shall the right prevail? I fear not, sir. There is a power more potent than the right. These fair provinces are ours—so held, and so regarded by the Administration. But of this I shall speak more fully hereafter. All we ask is, that their character be preserved. They are now free. It is a general principle of the law of Nations, that in conquered or acquired territories, all laws therein existing, not inconsistent with its new allegiance, shall remain in force until altered or repealed. This law prohibits slavery in California and in New Mexico. But the South contend, that in their emigration to this free territory they have the right to take and hold slaves, the same as other property. Unless the Amendment I have offered be adopted, or other early legislation is had upon this subject, they will do so. Indeed they, unitedly, as one man, have declared their right and purpose so to do, and the work has already begun. Slavery follows in the rear of our armies. Shall the war power of our Government be exerted to produce such a result? Shall this Government depart from its neutrality on this question, and lend its power and influence to plant slavery in these territories? There is no question of abolition here, sir. Shall the South be permitted, by aggression, by invasion of the right, by subduing free territory and planting slavery upon it, to wrest these provinces from northern freemen, and turn them to the accomplishment of their own sectional purposes and schemes? This is the question. Men of the North answer. Shall it be so? Shall we of the North submit to it? If we do, we are coward slaves, and deserve to have the manacles fastened upon our own limbs.

Sir, it has been objected to this measure that it was brought forward at an untimely period. An attempt has been made to cast both ridicule and reproach upon it. It is said that we are already quarrelling about territory which does not belong to us; that it will be in time to agitate this question when the country shall be acquired. Sir, I affirm that now is the time, and the only time. To hesitate at such a crisis is to surrender the whole ground; to falter is to betray.

Sir, what is the policy of this Administration? It is fully disclosed; it is not disguised; there is no attempt at disguising it. It is frankly avowed, and stands out to the view of this House and of the world. Sir, I am one of those who believe this war just and necessary. So believing,

I support it. It was forced upon the country by the folly and madness of our enemy. We were compelled to take up arms and vindicate our character and national honor. But, sir, when the first blow was struck on the banks of the Rio Grande—from the time that the news first reached this Capitol—the policy of the Administration has been fixed, irrevocably fixed, that we shall never lay down our arms until indemnity is made in territory for the expenses, in part at least, of this war, and for the claims of our citizens. Such is the settled policy of the Administration; there is no disguise, no concealment about it. In proof of this, it would be sufficient for me to refer to the instructions given to Gen. Kearny and Commodore Stockton. The policy of this Administration, I have said, was fixed and settled; and, I trust, irrevocably settled. It is to require indemnity in territory. Peace is desired, eminently desired, by the Administration and its friends; but with peace must come indemnity and territory. This declaration was frankly made here to-day, by the Chairman of the Committee on Foreign Relations, (Mr. C. J. INGERSOLL.) In the Senate, Mr. SEVIER, Chairman for the same committee in that body, made a similar declaration. I will read an extract from the speech of Mr. SEVIER on this point:

"In making peace, of course the United States would expect to receive indemnity, to some extent at least, for the expenses of the war, and they would also expect the payment of the claims held by our citizens against the Republic of Mexico, and this indemnity was expected in the shape of territory. He was not authorized to state precisely what territory this Government would require, but he supposed that no Senator would think they ought to get less than New Mexico and Upper California. He did not suppose a treaty of peace with less than that would pass this body."

Here, sir, is the direct, explicit declaration, made by the Chairman of the Committee on Foreign Relations in the Senate, who holds daily confidential intercourse with the President, and who therefore may be taken to speak by authority for the Administration. Nay, sir, more; this declaration was made by Mr. SEVIER upon the occasion of his introducing in the Senate a bill, identical in character, with the one now under consideration. Yet my colleague from the Adams district, (Mr. McCLEAN,) who has given an indication of his intention to oppose this amendment, closes his speech by declaring, that he "believes no territory is to be acquired." Sir, does my colleague believe that this Administration is to disgrace itself in the eyes of the American people and of the world? Does he believe that his own party is to recede from the high ground it has taken? No; it is the fixed policy of this Administration, approved by the Democratic party, to require indemnity from Mexico in territory; and the declaration has been solemnly made to the country and the world.

The instruction given to Commodore Stockton was, to plant our flag upon Upper California, and not to lower it under any circumstances. General Kearny has gone so far as to lay down a fundamental law for the government of New

Mexico. Nothing of the kind has been done in the other provinces overrun by our arms. This, sir, is significant; it shows to what particular territory the Administration looks. It is, sir, to the acquisition of Upper California and New Mexico. One thing further in confirmation of this design on the part of the Administration. I read from the Union of the 4th instant. The editor is commenting upon the resolution offered by a Senator from Georgia, (Mr. BERRIEN,) declaring that peace ought to be made without acquiring any territory:

"Let the Federal leaders pursue their indicated policy. The free people of this country will repudiate and despise it."

I call upon my colleague (Mr. McCLEAN) to notice this language—

"We are sure that no member of Congress who owes the proper allegiance to the great cause of the Democratic party, will so far forget the honor of his country, the demands of a gallant people, or his own character, as to lend any countenance to so absurd and extraordinary a proposition."

Yet my honorable colleague closes his speech with the declaration, that "he believes no territory is to be acquired."

(Some gentleman was here understood to suggest, that the resolution which called forth this article in the "Union" was of a different character from that which Mr. W. had imputed to it.)

No, sir, (said Mr. W.,) it relates to the acquisition of territory; it recommends that the army be withdrawn, and peace made without the acquisition of territory.

(Mr. W. concluded reading the article.)

"We but echo the views of a patriotic people, without regard to party distinctions, when we respectfully call upon Congress promptly to reject and rebuke so unpatriotic a project."

If I recollect aright the "project," it was, that we withdraw our army, and offer terms of peace without demanding territory. It is this "project" which the Union denounces—it is this proposition which Mr. Sevier repudiates, and which my friend from Philadelphia (C. J. INGERSOLL,) disclaims.

But, sir, the "Union" holds even more explicit language upon this subject. In a subsequent number of that paper, the editor discourses thus, in reference to the designs of the Opposition—

"The curtain rises slowly on the designs of the Opposition, and the nation will learn, with astonishment and indignation, the position which it is believed they are about to occupy. If we are not mistaken in the signs of the times, they mean to abandon all idea of actual and solid indemnity from Mexico. They mean to ABANDON CALIFORNIA, to tear down the flag of the Union which floats over it, and re-surrender it to Mexico, ultimately to fall into the hands of England, or at least under her commercial control. Such open and wonderful abandonment of the rights and interests of this country, for the purpose of a possible party triumph, has never heretofore been witnessed in the Union. We invite the attention of the American people to the great issue. We are to be held up by the Opposition party, in consequence of greatly exaggerated domestic difficulties, to the contempt and deri-

sion of the world, as incapable of self-government. For the hope of a party triumph, California is to be sacrificed, and, mark the consequences; the disgraceful surrender of California leads to the loss of Oregon, to the loss of the trade of Asia, and the exclusion of our flag from the Pacific coast. The rights and interest of the country are, in effect, to be as nothing, so that the Federal leaders may have a chance of triumph. And is it, indeed, so, that the country is to be injured, our flag torn down, and a dishonorable surrender is to be made of California, that the Federalists may succeed in a party contest? We must freely, but respectfully, say to the Federalists, if this be their course, the country will not second the unpatriotic and anti-American movement. No Democrat, true to his principles and his cause, can be for the surrender of California."

Mark the language, sir, CALIFORNIA ABANDONED, SACRIFICED, SURRENDERED. "*The flag of the Union torn down;*" "*An open and wonderful abandonment of the RIGHTS of the country.*"

Sir, is this proposition of mine too early? Is it out of season? Must we of the North wait until the territory is "acquired?" Ay, sir, we are to be dosed with narcotics—to be manipulated into a state of somnambulism, and not allowed to wake up until the deed of shame is accomplished, and California and New Mexico are teeming with slaves. Then we shall be told that we are too late. Sir, if we permit this, we shall justly merit the insulting epithet so often applied by the Whigs to the Democracy of the North, of "Northern Dough-faces." We shall deserve the taunting language used by John Randolph towards the North, when he said, in the debate on the Missouri question:

"We do not govern them by our black slaves, but by their own white slaves. We know what we are doing—we have conquered you once, and we can again—and we will conquer you again. Ay, sir, we will drive you to the wall, and when we have you there once, we mean to keep you there, and nail you down like base money."

When, sir, in God's name, will the time come for the North to speak out? Our standard is in California—our flag floats over New Mexico. The organ of the Administration proclaims to the world that these territories are ours, not to be "*abandoned, sacrificed, or surrendered;*" our troops are there, and an armed body of emigrants has been sent forward permanently to occupy and hold the country. The whole South rise up here, and declare that they will plant slavery in those countries, and yet we are told that it is not time for the North to act; this, too, by northern men. One finds an excuse for the betrayal of the North, under the declaration that he "believes no territory will be acquired;" another denounces any amendment, as "puerile, out of time and out of place;" a third seeks refuge from the indignation of a betrayed constituency, under the idle plea, that my proposition embarrasses the Administration, and tends to prevent a vigorous prosecution of the war. I shall notice this last accusation more at length hereafter.

My friend from Philadelphia, (Mr. C. J. INGERSOLL,) gives me a consoling assurance; he says that a slave cannot live in California—that the country is not adapted to slave labor. Sir,

as much as I respect his judgment and opinions, yet in the face of the declarations of the whole South, I cannot safely rely upon his. This country is as well, if not better adapted for slave labor, than is Kentucky, Tennessee, or Missouri. Every southern man declares they will hold it for slavery; that all below 36° 30' shall be slave territory. And yet it is not the proper time now! The President's policy is fixed; the South declare their purpose; and yet northern men flinch meeting the issue!

Again, sir, it is objected, that this Amendment will defeat the bill. Why defeat the bill? If northern men would act with the same feeling and unity of the South, my Amendment would carry the bill, and its defeat would be inevitable without it. Sir, if the North is true to herself, the bill will be defeated, if my Amendment is lost. An idle, pettifogging pretence is set up, by a portion of the press, with the "Union" at their head, that my Amendment in some way will affect the terms of a treaty with Mexico. That if it pass, Mexico will have something to say about our domestic affairs—that she would be called upon to negotiate about slavery. Sir, those who hold out such ideas to the public, know they are deceptive and uncandid. The organ of the party here at the Capital, ought at least to present the issue fairly before the public. The northern Democracy may at least claim, not to be misrepresented in the columns of a paper professing to speak for, and to represent the whole party. My amendment has nothing to do with the terms of any treaty the President may negotiate; and those who hold out to the public a different impression must know it. It does not require him to say one word about slavery. He would use the money, and make the treaty, precisely as he would if my Amendment were not there. It is a mere legislative declaration, that any territory which we may obtain, under a treaty of limits and boundaries, shall remain as we find it—free. It has nothing whatever to do with the terms and stipulations of the treaty.

Sir, an honorable gentleman from the South, I believe the one at my side, (Mr. BURT,) made the proud declaration a few days since on this floor, that "we have no traitors at the South." Would that I could throw back the proud boast, "we have no traitors in the North." It seemed to me, sir, at the time, as if the declaration was made with that pride which a brave man feels, when he knows that he is surrounded by brave and firm associates. But if this measure, which only a few months since received the support of a large majority of this House, is to be smothered in committee, where no record remains of men's votes—to be stifled, put down; if the men on whom we rely for support falter in the hour of need, I shall understand the proud boast of the South, as a withering, burning sarcasm on the North. The cheek of a northern man should burn as a red-hot cinder under it.

Yes, sir, "there are no traitors in the South." The South is true to her supposed interest on this question. Once, sir, the North, too, stood true on this question. The State of Penn was true to her character and her history. Every Representative from Pennsylvania who was present voted at the last session in favor of

the Proviso I offered. I trust it will be so again. We shall see. Why, sir, should we fear for the action of northern men on this question? It is right, sir; it is just; it is timely. If ever a declaration against the extension of slavery over a free territory is to be effectual, it must be made now. Wait! Why, sir, while we are waiting slavery is pushing onward. Already has the southern slavery of this Union been transplanted into New Mexico. The fundamental law which General Kearny laid down for the government of that country bears the impress and proves the existence of slavery. Yes, sir, slavery is there, yet northern men advise delay; sneer, sir, at this movement as "puerile and childish." The constitution, or fundamental law, which General Kearny lays down for the government of that country, in prescribing the qualifications of electors, says: "Every FREE male" shall be entitled to the right of suffrage, &c. Does this not imply that there are males there *not free*? Already, sir, on the route of travel between Missouri and New Mexico slaves are found, who are being removed thither. Slavery is there, sir—there, in defiance of law. Slavery does not wait for all the forms of annexation to be consummated. It is on the move, sir. It is in New Mexico. It is in Oregon. Yes, sir, it is in Oregon; and this day, in that distant territory of the Union, does the lash of the Missouri master drive his negro slaves to the field of labor. We passed but a few days ago through this House a Bill for the establishment of a territorial government in Oregon, in which we excluded slavery from that territory. The slavery restriction has been struck out from that Bill by the Senate committee, a majority of whom are southern men, and a clause inserted establishing slavery. Yet, sir, in the face of all of these facts, we are told that our action is premature, untimely. "Wait," says my colleague, (Mr. McCLEAN,) "until we get the skin of the lion, before we dispute about his hide." Sir, we have the skin, and slavery is already grappling for it. I invoke my colleague to the rescue. I repeat it, sir, now is the time, and the only time. Southern men declare that they desire this question settled now. Neither party should be deceived. The North ought not to be betrayed under the idea held out, that slavery cannot, or will not, exist there. Let not the South be deceived. Let no prospect be held out to her that this war is to result in strengthening and extending this institution. Now, sir, is the time, and the honest time, to meet this question.

But I am told, you are embarrassing the Administration by bringing forward this proposition. We embarrassing it—the majority of Democrats on this floor! Do gentlemen reflect who make this charge? Does a declaration, that free territory shall remain free, embarrass the Administration? Does it thwart its purposes and policy? Sir, those who make this charge accuse the Administration of seeking the extension of slavery over territory now free. Is this true; or is it a gross slander upon this Democratic Administration? We, sir, accused of embarrassing the Administration! The majority, sir—we who constitute a majority of the Republican party on this floor—who carry out its great

principles, and vindicate its faith and practice! The charge is idle, sir, unworthy of notice. We have voted promptly, sir, for all the supplies of men and money asked for to carry on a vigorous prosecution of this war. Yet we are charged by southern men with throwing obstacles in the way of the war. Sir, I have thrown no obstacles in its way, unless it is waged for the extension of slavery. If my Amendment embarrasses the prosecution of the war, then it is a war for slavery, which I am not prepared to believe.

Sir, my Amendment can interfere with the war only in two respects, either by frustrating its objects, or weakening its support. The first it does not do, unless slavery is its object; nor the second, unless for this cause the South are driven from its support. If the South are so driven, then it will be apparent to all that, on the part of the South, the war was prosecuted for the extension of slavery, and not the vindication of the rights and honor of the country. This is my ground. If the war is not for slavery, then I do not embarrass it with my Amendment. If it is for slavery, then I am deceived as to its objects. The treasure and blood of the North will not be poured out in waging a war for the propagation of slavery over the North American continent. I trust that such is not its object; yet the attitude of the South on this question is susceptible of no other construction.

My colleague, (Mr. C. J. INGERSOLL,) suggests the propriety of waiting until the people of those territories shall meet together to form their own constitution, and then to let them decide for themselves whether slavery shall or shall not be tolerated within their boundaries. Sir, I am satisfied with this; it is all I ask. I do not, however, doubt the right of this Government to prescribe binding and lasting conditions upon new territory admitted into this Union. It may declare that upon such terms and conditions, under such and such restrictions only, it shall be acquired. All I ask is, that the people be left free to choose for themselves between freedom and slavery. I only ask that, while it is a territory, under our control and guardianship, its free character shall be sacredly preserved. When it shall increase in strength and population, when it shall have attained the stature and vigor of manhood, when States are formed and admitted into the Union, I am willing they should be free to adopt or reject the institution of domestic slavery. I do not wish to interfere either with the sovereignty of existing States, or to cripple the sovereignty of new ones. I suppose Pennsylvania could establish slavery to-day if she choose; and so possibly might Ohio, in spite of the Ordinance of 1787. All that we demand is, that while these provinces shall constitute a part of the territory of the Union, under the control of this Government, slavery shall not be permitted to gain a foot-hold in them. Free they now are, and free, with God's help, they shall remain. Free territory shall not be fettered, it shall not be trampled upon; it is ours, and we will hold on to it with a grasp that shall bid defiance to the slave power. When territory presents itself for annexation where slavery is already established, I stand ready to take it, if national considerations require it, as they did in the case of Texas. I will not seek to change its institutions; I will

not first ask the abolition of slavery. I make no war upon the South, nor upon slavery in the South. I have no squeamish sensitiveness upon the subject of slavery, no morbid sympathy for the slave. I plead the cause and the rights of white freemen. I would preserve to free white labor a fair country, a rich inheritance, where the sons of toil, of my own race and own color, can live without the disgrace which association with negro slavery brings upon free labor. I stand for the inviolability of free territory. It shall remain free, so far as my voice or vote can aid in the preservation of its character.

This, sir, is what we ask, and all we ask. Yet the majority of this House, reflecting the will of a vast majority of the freemen of this republic, a majority of the republicans of the North, are called upon to yield—what? To make concession of things that ought to be conceded? No; they are required to surrender the dearest rights, to violate the most sacred obligations. Where is the northern man prepared to do it? I am a man of concession, of compromise; but to compromise on this question is to surrender the right and establish the wrong. It is to carry slavery where it does not now exist, to subjugate free territory. If we refuse to convert free into slave territory, is that an invasion of the rights of the South? One would, indeed, suppose so, who had listened to all the violent declamation about the constitutional rights of the South, which has been heard in this debate. While I have, as I before remarked, no morbid sensitiveness upon this subject, I am, nevertheless, one of those who believe that the future greatness and glory of this republic demands that the progress of domestic slavery should be arrested now and forever. Let it remain where it now is, and leave to time and a merciful Providence its results.

Sir, upon this subject, the North has yielded until there is no more to give up. We have gone on, making one acquisition after another, until we have acquired and brought into the Union every inch of slave territory that was to be found upon this Continent. Now, sir, we have passed beyond the boundaries of slavery and reached free soil. Who is willing to surrender it? Men of the North—Representatives of northern freemen, will you consummate such a deed of infamy and shame? I trust in God not. Oh! for the honor of the North—for the fair fame of our green hills and valleys, be firm in this crisis—be true to your country and your race. The white laborer of the North claims your service; he demands that you stand firm to his interests and his rights; that you preserve the future homes of his children, on the distant shores of the Pacific, from the degradation and dishonor of negro servitude. Where the negro slave labors, the free white man cannot labor by his side without sharing in his degradation and disgrace.

But, sir, we are threatened with a dissolution of the Union. It is an idle, harmless threat. It has worked so well heretofore, however, that I am not surprised it should be employed on this occasion. The North has ever been ready to yield when the South raised the cry of disunion. Sir, I have no fears for the Union. When southern gentlemen sit down and revise their estimates of the value of the Union, no fears need be en-

tertained of a dissolution from that quarter. Not that I doubt the bravery of the South. I know that they dare do all that brave men dare do, in vindication of their rights. I would be afraid to invade their rights. I would expect, from their known character, and from the stand they have heretofore taken in defence of State-sovereignty and State-rights, a manful and spirited resistance. But, sir, I am not afraid to do right. The South dissolve the Union without just cause! The Union is valuable to all, especially valuable to the South. The Union dissolved, sir, and it is my deliberate conviction that southern slavery could not exist twenty years. The South, sir, equally with the North, places a proper estimate upon the value of the Union.

Sir, there is another reason, and a most substantial one, why this Amendment should be made now, and to this Bill. For what is this appropriation to be made? To make peace. How to make peace, I inquire, sir? Not to purchase a humiliating peace. No one supposes this. What return, then, are we to have for this money? Territory, sir, territory. My friend, the chairman of the Committee on Foreign Relations, (Mr. C. J. INGEROLL,) bows; he admits it, sir; I thank him for the admission, it is frank, it is true. The chairman of the same committee in the Senate, (Mr. SEVIER,) makes the same distinct admission. His language on this subject is explicit. He says:

"The intelligence possessed by the President, gives them reason to believe, that upon a certain advance to be made, to pay the expenses of their army, (the Mexicans,) and other expenses, they would be willing to cede that portion of their territory which he had named." [Upper California and New Mexico.]

Why are we to pay the expense of their army? It is hard enough to fight them, and to pay the expenses of our own army, as the war is going on. Ay, sir, the Mexicans, "would be willing to cede Upper California and New Mexico." This, sir, is the return we are to have for "paying the Mexican army." Yet, sir, when the Bill is before the House, appropriating the very money which is to purchase territory, northern men, as an excuse to vote against my Amendment, tell us they believe no territory is to be acquired; that the movement is untimely and out of place; that it is throwing an agitating and distracting question into our councils—breaking the unity of the party. An agitating question, sir! If the South, the minority, will yield, there will be no "agitation" upon this subject. I implore my friends of the South to stop the "agitation of this delicate question." They have it in their own hands.

Sir, my reasons for moving in this matter at the time I did, have been given. I saw the policy of the Administration as clearly then, as I see it now. Every man with his eyes open must see it. Territory is to be acquired, and money is asked to aid in its acquisition. I am ready, I am anxious to give the money; but I seek in the act which appropriates it, a guarantee that free territory shall be preserved from the aggression of slavery—that it shall be sealed up and held sacred for freedom. This is what I seek.

One gentleman from South Carolina, (Mr.

RHETT,) submitted a long constitutional argument on this question, and one, which it seemed to me, frittered away all the powers of this Government. I tried to follow him in his ideas of sovereignty, but his refinements were too nice for my comprehension. I became lost in the mists and clouds of constitutional refinements. I understand by sovereignty, the power that makes laws—a power that demands of the citizen submission to its authority—that executes the prerogative of enforcing obedience. I could not understand the distinction the gentleman was pleased to make, when he said "the powers of sovereignty are one thing, and its being another." I know of no sovereignty distinct from its attributes. Sovereignty is known by its attributes and its powers. The theory of our Government places all sovereignty in the hands of the people. They, sir, are the true source of this right which we call sovereignty. But in a political and legal sense, sovereignty resides in the States and in this Government. Within the limits of the Constitution, and in the exercise of the powers given, this Government is sovereign; and within the limits of their respective constitutions the governments of the States are sovereign. They exercise different and distinct powers, yet each in the powers exercised are sovereign. The right of the people to alter or remodel their constitutions, is a right which the theory and practice of our Government maintains. That part of the argument of the gentleman from South Carolina, which places the sovereignty exclusively in the people, would strongly conflict with the opinions held by that school of constructionists, in the case of Rhode Island. I recollect that they denied the authority of the people of Rhode Island to re-construct and remodel their organic law. In one breath, the gentleman makes sovereignty reside in the people; and the next in the States. Indeed, he makes it reside everywhere and anywhere, except in this Government. He tells us that this Government stands as a naked trustee for the States, and that the States are joint-tenants and co-sovereigns over the territories of the Union. This, sir, is novel. I confess I can form no idea of a co-partnership in sovereignty. Suppose, sir, that the States do own the territories, and that this Government holds them merely as trustee, will the gentleman inform me what acts these "joint-tenants and co-sovereigns" can exercise over their property? Can South Carolina legislate for it? And if so, for how much, or to what extent? And how large is the control of Pennsylvania over it? Without stopping to inquire where the right of property is, one thing is clear, the States can act upon territory only through this General Government. I maintain that this Government, so far as the territory of the Union is concerned, is sovereign within the limits of the Constitution.

Every argument of the gentleman from South Carolina, (Mr. RHETT,) against my amendment, applies with equal force against the Ordinance of 1787, and against the Missouri compromise. Great questions of constitutional right—of the rights of the people and the States—are not determined by parallels of latitude and longitude. If this proposition invades the constitutional rights of the South, then did the Mis-

Missouri compromise. If we have no right to say, that slavery shall not exist in New Mexico and California, then we had no right to say that it should not go north of the Missouri compromise line.

I would have been glad, as objections have been made to the manner of introducing this question, to have had an opportunity of introducing an independent proposition, standing isolated and alone. But every man knows that no such opportunity has or can be offered, under the rules of this House. Those who say they would support such a proposition, but oppose my Amendment, know that it is utterly impossible to get it before the House. A resolution of that character can only be brought before the House by suspending the rules, and that requires a vote of two-thirds. Action might be had upon it, by offering it on resolution day, and immediately demanding the previous question; but such a day we have not had since the early part of the session, and will not again have to its close; and, again, I would not attempt to force through so important a proposition under the press of the previous question, and without opportunity for one word of debate. I had a resolution drawn for more than three weeks, and could not advance so far, as to obtain the floor and make a motion that the rules be suspended to receive it. I abandoned it as idle and useless, and came back to this bill as the proper and only place where I could bring my Proposition before the House.

Sir, I have said before, that I have no morbid sympathies upon the subject of slavery; still, I regard it as a great social and political evil—a blight and deadly mildew upon any country or State in which it exists. I regard it as the most difficult and dangerous problem which we will have to work out in this free Government. If we go back to the period of the establishment of our Constitution, we find there were six slave and seven free States; the slave States containing an area of some fifty thousand square miles more than the free, with about an equal population. Now, these free States have double the population of the slave. Why is this? In the Revolution, Massachusetts furnished more men for carrying on the war than the entire slave States. How happened this? Not from any want of patriotism on the part of the South, but from the want of ability, growing out of this institution. Where the men who labor are slaves, you cannot place arms in their hands; and it is the free laboring man who constitutes the strength and defence of his country on the field of battle. If this war continue, Pennsylvania will, if permitted, I believe, send more men into the field than the entire six original slave States. Not that Pennsylvania would be more forward than they in the vindication of the honor of the country; but because she has the men, and, owing to this peculiar institution of the South, they have them not. Their laborers cannot take up arms; indeed, they dare not form them into military organizations, and teach them the use of the weapons of war. Why is it that Virginia, the "mother of States"—that State which has ever been foremost in vindication of the rights of the States, and of the liberties of the People—why is it that the sun of the

glorious "Old Dominion" is not still in the ascendant? She stood first—before New York, before Pennsylvania—and now she is outstripped by States that have grown up within the memory of the present generation. Why is it? Can any doubt that slavery is the cause?

Again, contrast Ohio with Kentucky. Why has the former left so far behind the latter, in the race of prosperity and greatness? It is wholly owing to slavery in the one and not in the other. There is always a lack of that energy and enterprise in slave labor, which is to be found in free labor. I verily believe that the laborer of the North, who goes into the wilderness to hew himself out a home, does more work than three slaves, while he consumes or wastes less. Nothing is neglected by him; his eye sees everything that requires attention. It is the enterprise, the diligence, and the economy of free labor, that has built up new Empires in the West, while the South has been falling back into decrepitude and decay. Sir, contrast Michigan with Arkansas. Within the last twenty years, the former has assumed a high position among the States of this Union. She exhibits at this day all the elements and resources of a great State; cities, flourishing towns, and highly cultivated fields, with a population that outnumbers three or four times that of Arkansas. Yet, Arkansas has even a better soil, and superior natural advantages. What is the cause of this disparity? It is slavery, sir, and that alone. Slave labor exhausts, and makes barren the fields it cultivates. That labor is only profitable to the master in the production of the staples of cotton, sugar, and tobacco. Crop follows crop, until the fertility of the soil is exhausted, when the old fields are abandoned, new and virgin soil sought out, to be exhausted in the same manner, and in its turn likewise abandoned. Thus, sir, sterility follows its path. Eastern Virginia, unrivalled in the fertility of its soil, and in the geniality of its climate, with navigable rivers and harbors unsurpassed in commercial importance, is this day but little better than a barren waste. The free labor of the North has commenced the work of regeneration, and to this alone can Eastern Virginia look for redemption and renewed prosperity.

Sir, as a friend of the Union, as a lover of my country, and in no spirit of hostility to the South, I offered my Amendment. Viewing slavery as I do, I must resist its further extension and propagation on the North American continent. It is an evil, the magnitude and the end of which, no man can see. Mr. Walker in his celebrated Texas letter, urged the policy of annexation, as a means and aid in the final abolition of slavery. By the annexation of Texas, he said, a frontier of two thousand miles in extent would be opened, bordering on Mexico, over which our slave and black population, as it should press upon the country, could pass, and become mingled with the mixed races of Mexico and South America. Sir, I thought at the time, and still think, that there was much force in this argument. But if we take the very country that was to be their refuge, and subvert it for slavery, what becomes of the reasoning and argument of Mr. Walker?

Here the hour expired, and Mr. WILMOT was broken off in his remarks.

Paul Meyer

Cass, Service

AMERICAN SETTLERS IN OREGON. *historical*

The bill to protect the rights of American settlers in the Oregon Territory being under consideration, and the pending question being to refer the bill to the Committee on the Judiciary, with instructions—

Mr. CASS addressed the Senate as follows:

I did not intend, Mr. President, again to trouble the Senate upon any question, connected with our claim to Oregon, or with the proper course of policy to adopt in support of it. And I avowed to those friends with whom I am in the habit of free consultation, this determination to remain silent, believing I had occupied my full share of the attention of the Senate, and of the public, so far as the public can be interested in any views of mine. I am now, however, compelled to break the silence, I had imposed upon myself, and again to vindicate the position in which I am placed. The honorable Senator from Missouri has referred to me by name, and if I would not seem to abandon the ground, I have occupied, I must defend it from this new and vigorous assault. I shall, however, be brief; avoiding recapitulation, and confining myself almost exclusively to two of the propositions submitted by the Senator,—one entirely new, the other presented in the previous discussion, but again brought forward, though with new facts and illustrations, and extended to more remote regions. The former is the assertion of the non-existence of the line of $54^{\circ} 40'$, and the latter the assertion, that the parallel of 49° was established as a boundary between the British and French possessions, by commissaries under the treaty of Utrecht, and that it ran to the northwest coast.

The Senator commenced by the work of demolition—pulling down before he built up—clearing off the *rubbish* occasioned by the labor of others, to procure a fair site, preparatory to the task of reedification. And how has this system of destruction and of substitution been effected? The process and the result I propose to examine.

In the first place, he announces, that till now we have all been in error, including the President, and Congress, and the country, and that no such line as the parallel of $54^{\circ} 40'$ has ever been established as the northern boundary of Oregon, and he considers that this correction of a great popular error is enough to "quiet the excitement, which has been got up about it." I fear, sir, that the honor-

able Senator deceives himself, and that this *excitement*, as he terms it, or this conviction of the extent and justice of our title, as I term it, is far beyond the reach of any new reading of old documents, however gigantic may be the intellect which puts itself to the task of giving out and vindicating a new system of national rights, or any new evidence in support of them. The honorable Senator is as competent to the performance of this labor, as any one among us. But, sir, when a great question like this has occupied the attention of an enlightened country and Government, in some mode or other, for almost half a century, and more recently has called into its service the heads and tongues and pens of hosts of able men in public and in private life, the discovery and promulgation of new views, giving an unexpected direction to a great controversy, is not indeed impossible, but is so far improbable, that he, who claims the title and the reward of a discoverer, must expect to have his pretensions investigated with much care, and admitted with much caution. The honorable Senator, in the exultation of anticipated success, speaks of the *philosophy of the fifty-four-forties*, and says "there is an end of that question! All gone—vanished—evaporated into thin air—and the place where it was, not to be found." And then comes the parturition of the mountain, and the birth of the mouse.

It is a good old fable, intended to convey a useful truth. But it is somewhat dangerous in its application, especially when he, who appeals to it, in the very act of decrying the labor of another, announces *ex cathedra* the value of his own. Pulling down to build up! annihilating one line to establish another! There is such a thing as putting the saddle on the wrong horse.

The honorable Senator says, "there is no boundary at $54^{\circ} 40'$." I quote his very words, and join issue with him. If there is not, I shall then confess, that I for one am liable to all the sneers he casts upon the *fifty-four-forties*, as he calls them, and upon their cause; while, if there is, I shall leave to the honorable Senator the position he has assumed.

And whence this declared popular error, respecting the boundary line of $54^{\circ} 40'$? It originates, says the Senator, in the treaty with Russia, concluded in 1824, the third article of which he quotes—

"Art. 3. It is moreover agreed, that, hereafter, there shall not be formed, by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees forty minutes north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel."

Now, sir, this, one would think, is clear enough. Here is fifty-four forty, established as a boundary, as plainly as words and types can establish it, beyond which the claim of the United States cannot extend. It is the northern limit; across which we cannot go. We may march up to it; with that Russia has no concern. But the moment we attempt to put foot over it, we shall be met by this convention, and our plighted faith not to pass it. If this is not a boundary to us, I am sure I do not know what boundary we can have, there or anywhere else. It is a point not to be discussed. It gains no strength by argument, no clearness by illustration. It is a boundary line; and when that is said, all is said. I am well aware it is a line in *posse*, and not in *esse*, established upon paper, and not actually marked upon the surface of the globe. But so is most of the boundary between us and the British possessions, and between us and Mexico. And the Senator himself, in his argument, where he undertakes to prove the establishment of the parallel of 49°, as the line fixed under the treaty of Utrecht, expressly says it was established but not run. It was nevertheless a great line of demarcation, whose effects are said to be felt upon the rights of nations at this day. All boundaries between countries, which are not natural lines or marks, must be first fixed by diplomatic arrangement, and when this is done, their establishment upon the earth becomes a question of fact, and is usually committed to scientific persons, who give practical effect to the labors of the diplomats. If, therefore, the parallel of fifty-four forty should remain a paper instead of a visible boundary till doomsday, it would nevertheless be a barrier, beyond which we could not pass, and might at any time be ascertained by astronomical observations, and marked upon the ground, should such a measure become necessary to assert the jurisdiction of the one party, or to arrest that of the other.

After quoting the third article of our treaty with Russia, the honorable Senator proceeds to quote the third article of the treaty between Russia and England, regulating their mutual pretensions to the same region. And he controls the construction of one treaty, by what legitimate process I know not, by the provisions of the other. He says, and strangely too, that "they are identical in objects, and nearly in terms." *Identical in objects!* Why, sir, one is a treaty between the United States and Russia for the adjustment of their mutual pretensions, and the other is a treaty between England and Russia for the adjustment of their pretensions. Until it is shown, that American pretensions and English pretensions are the same, the identity of the objects of these treaties will be among the discoveries, that are yet to be made. "*Nearly identical in terms!*" This, sir, is almost an equal mistake. To show it, I will quote this third article of the Anglo-Russian treaty:

"ART. 3. The line of demarcation between the possessions of the high contracting parties upon the coast of the

continent and the islands of America, to the northwest, shall be drawn in the manner following: commencing from the southernmost point of the island, called Prince of Wales' Island, which point lies in the parallel of 54° 40', and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north, along the channel called Portland Channel as far as the point of the continent, where it strikes the 58th degree of north latitude; from this last mentioned point to the point of intersection of the 141st degree of west longitude, will prove to be at the distance of more than ten marine leagues from the ocean; the limit between the British possessions and the line of coast which is to belong to Russia as abovementioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom. And the line of demarcation shall follow the summit of the mountains, situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian,) and finally from the said point of intersection the said meridian line of the 141st degree on the prolongation, as far as the Frozen ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest."

Now, sir, I do not quote this article, because it has the slightest bearing upon our claim, or ought to have upon our investigation of its extent; but to shew the mistake, into which the honorable Senator has been led, when he considers these two articles as identical, either in their objects or in their terms. They are almost as dissimilar in the one, as in the other. The effort of Russia was the same. It was to procure a recognition from the only parties, whose claims interfered with hers, of her title to that part of the country. This she effected by a stipulation with the United States, that they would assert no pretensions north of 54° 40' generally, and a stipulation with England, that she would assert none north of the same line, and west of ten marine leagues from the coast. On her part, Russia relinquished all her pretensions south of 54° 40', but without touching the conflicting claims of the other parties, leaving them to adjust these in their own manner as they would, or as they could; and both England and the United States are as free this day to assert each its own title, and to oppose that of its adversary, as they were before the execution of these conventions with Russia.

I therefore remove from this discussion all the honorable Senator has said respecting the objects, the terms, and the effect of this treaty between England and Russia. We were no parties to it. It was formed a year after our treaty with the latter Power, and we had just as much right to regulate the descent of the crowns of Russia and England, as those Powers had to regulate our right to the Oregon territory. In fact, they assumed no such monstrous pretensions. And I must confess my surprise, that their arrangements are introduced here, as binding or controlling our territorial claims. And yet these two articles are placed by the honorable Senator in juxtaposition, as though they were parts of the same instrument, and his deductions respecting our rights seem to be drawn from one or the other indiscriminately: so much so, that the Senator actually says, "I have shown you the 'limits as established with Russia in 1824; I have produced the *treaties* (not treaty) which establish 'them, and here, also, is a map, which illustrates 'them, and shows everything precisely as I have 'read it from the *treaties*,' (not treaty.) He then proceeds to point out errors, which it is not neces-

sary to examine, for they have reference exclusively to the treaty between Great Britain and Russia, and not to that between Russia and the United States. Our treaty merely provides that the parallel of 54° 40' shall be our northern boundary. Now, what have the errors of geographers or map makers, in the protraction of the line between Russia and England, to do with the plain undeniable boundary which limits our possessions?—a boundary so plain, indeed, that he who runs may read it in the treaty. What, therefore, is the direction of the other line—the Anglo-Russian line—which the Senator has discussed, and whether it goes to 55°, or 56°, or 61°, or, indeed, to the north pole, touches us as little as any other question in political geography.

Then, sir, fifty-four forty is resuscitated, brought to life—an existing boundary, to which we may go, but beyond which we may not pass. We can *jam up to it* without any imputation upon our wisdom or our honor; “*and the place where it was*” is *yet there, and there it will continue to be*.

It will be recollected, sir, that the honorable Senator has staked this issue upon the existence of this line of 54° 40'; and when we point to the Russian treaty, he attempts to meet us by his construction of a treaty, and of the causes that led to it, between Russia and England. We repudiate this, and refuse to have our line *annihilated* without our consent.

The line, then, exists, though the honorable Senator says it is confined by the precise terms of the treaty “to the islands and coasts, and having no manner of relation to the continent.” And again: “This is the Russian line on the continent with Great Britain: the United States have no ‘continental line, either with Russia or Great Britain.’”

Strange assertions, as I shall show. Were this even so, still we should have our favorite line, though it might stop short of the eastern extent of our claim, and though the honorable Senator says we have “no boundary at 54° 40’.” But where does this line stop in its easterly progress? The honorable Senator says it does not touch the “continent.” Why he makes it an insular boundary, in the very face of an express stipulation, that it shall extend to the “islands and the coasts,” I know not. As he gives no reasons for this limitation of the natural construction of the article—not, indeed, its natural construction merely, but its express and positive declaration—I must be permitted to believe, that *coast* is the *coast* of the continent, and the islands “the islands adjacent to it.” Adjacent to what? To the coast. To what coast? To the *northwest coast* of America. The treaty recognises two geographical divisions—the coast, or continent, and the adjacent islands. The honorable Senator says it is confined to the islands, and does not extend to the continent, or coast. I cannot argue this point.

By each of these conventions, he says, “the Russian claim is confined to the coasts and islands; and by each the same limit is given both to the United States and Great Britain,” &c. “It was a limit ‘wholly in the water, not at all on the land; the British only reached it by going through Portland Channel.’”

I do not understand this at all, sir. The Senator one moment says that the United States and Great Britain have *both the same limit*; in the next, that our line never touches the land, but the British line does. The fact is, they have not the same line at all. Ours is the parallel of 54° 40', continental and insular, for the distinction of the Senator between the two is wholly gratuitous, unknown to the convention. The British line commences at a point on that parallel, and then quits it, running thence such courses, as give to Russia an irregular parallelogram, extending north and south along the coast, and east in width ten marine leagues from the sea.

But what is the meaning of the phrase *northwest coast of America* in this connexion? To what extent may it be fairly said to reach? In the British treaty, as above quoted, the question is placed beyond controversy. The Russian possessions, as between England and Russia, are limited to ten marine leagues from the coast. As between Russia and us there is no limitation, and if a limitation be sought, it must be found in the circumstances and in a fair application of the language to them.

It is a geographical fact, well known to all, who have investigated the subject, that the *northwest coast of America* is the name, by which a large but indefinite region upon the shores of the Pacific, extending eastward without positive limits, was designated and recognised, as well in works of geography and history, as in diplomatic documents. It was a descriptive term, applied to a vast country. I shall place this beyond controversy, by reference to unquestionable authorities.

In the very convention with England of 1818, by which a joint occupation of Oregon is held, the whole country itself is distinguished by this appellation:

“It is agreed that any country, that may be claimed by either party on the *northwest coast of America* westward of the Stony Mountains,” &c.

And twice in that instrument the *said country* is alluded to. And it will be seen, that this designation carries the region described by it to the Rocky Mountains; or, in other words, designates the whole country by that comprehensive term.

In the British statement, annexed to the protocol of the sixth conference, by Messrs. Huskisson and Addington, British Plenipotentiaries in the negotiation of 1826-'27, it is said:

“The Government of Great Britain, in proposing to renew for the term of ten years the third article of the convention of 1818, respecting the *territory on the northwest coast of America* west of the Rocky Mountains,” &c.

“Spain ceded to the United States all their rights and claim on the *western coast of America*, and north of the 42d degree.”

In the Nootka Sound convention, the country generally is called the *northwest coast*.

In the counter statement by Mr. Gallatin, he speaks of the “territory in question,” and he says:

“That by the Nootka convention, all the parts of the *northwest coast of America*, occupied by either party,” &c.

Using the terms *territory* and *northwest coast* as convertible, and designating the same country.

“Finally,” says Mr. Rush, in the history of his residence at the Court of London, page 372, “it was agreed that the country on the *northwest coast of America*, westward of the Rocky Mountains, claimed by either party,” &c.

Mr. Adams, in a letter to Baron Tuyl, dated May 7, 1823, speaks of the "rights and interests which have been brought into collision upon the *northwest coast*."

In the instructions from Mr. Adams to Mr. Middleton, dated 23d July, 1823, he describes the country as the *northwest coast*. He says:

"A Russian charter gave to the American Company the *northwest coast* of America, from 55° to Bhering's Straits."

He further says, in a letter to Mr. Middleton:

"You are authorized to propose an article of the same import for the term of ten years, for the signature of a joint convention between the United States, Great Britain, and Russia."

He says, in the same letter to Mr. Rush:

"If the British Northwest and Hudson's Bay Company have any posts on the *coast*, as suggested in the article in the Quarterly Review, above cited, the third article of the convention of the 20th October, 1818, is applicable to them. Mr. Middleton is authorized to propose an article of similar import to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government; and with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall hereafter be made on the *northwest coast*, or on any of the islands adjoining, by Russian subjects south of latitude 55°; by citizens of the United States north of 51°; or by British subjects either south of 51° or north of 55°."

"For it showed," says the honorable Senator from Missouri, in a speech in 1842, "that the British had no rights on the *northwest coast*." "It was not until we discovered the Columbia, that she renewed her claim to any territory on the *northwest coast*." "Our title is good against England throughout the *coast*," &c.

This language is conclusive. It is obvious, that the whole *northwest coast*, or Oregon, is referred to; and the parties claiming it are recognised as the United States, Great Britain, and Russia. A division of their respective pretensions is proposed by east and west lines, thus separating the region into three districts, lying respectively north or south of one another. There is no difference in the description of their claims. Insular or continental, they are all the same in their eastern extension.

These proofs, that the descriptive appellation *northwest coast* was applied generally to the country north of California, and west of the Rocky Mountains, might be multiplied almost indefinitely; but it is not necessary; the examples already given establishing the fact beyond controversy. If, therefore, the honorable Senator from Missouri seeks to confine the epithet *northwest coast* to the narrow region within sight and sound of the surges of the ocean, he seeks a construction and contraction, inconsistent with the historical geography of the country, as well as with the rights and intentions of the parties. Our *northwest coast*, which is now our Oregon, by the arrangement with Russia, cannot extend north of 54° 40', and her *northwest coast* cannot extend south of that line. The longitudinal extent of either is a question, that does not concern the other. Our claim in that direction is from the Pacific to the Rocky Mountains. Russia, since her treaty with us, has entered into a convention with England, by which she restricts her claim to an extent of ten marine leagues from the coast. Before that, she was free to carry her title to the Rocky Mountains, the eastern boundary of the

northwest coast. This subsequent arrangement neither affects our rights nor our duties, and 54° 40' is yet the barrier, beyond which we cannot pass.

What would be the condition of the parties if Russia had formed no convention with England? What right should we then have to say, that the Russian pretensions do not extend over the whole of the country of the *northwest coast*, but are limited to ten marine leagues from it? None whatever. And how can a subsequent convention, between other parties, regulate a prior instrument, to which we were a party? When we made an arrangement with Russia, our country of the *northwest coast* stretched to the Rocky Mountains. We promised that Power, that we would not pass the parallel of 54° 40' in our northern progress. What right have we to say that Russia did not mean, by the same descriptive words, what we meant, or that that Power did not assert any claim over the country designated by them? The *northwest coast* for her, says the honorable Senator, is the islands adjacent to it; while for us it is the whole country to the Rocky Mountains! Our duties are to be judged by existing circumstances, and not by subsequent arrangements between different parties. With the motives of Russia, or the consideration, which England gave her for the cession, we have no concern. Had the former Power ceded her whole claim to the latter, our obligations would have remained the same, the benefit being transferred to England, instead of being held by Russia. 54° 40', we said to Russia, is our line in the country of the *northwest coast*, and there I hope we shall be found.

But if the honorable Senator from Missouri should succeed in the establishment of his position, that we are not bounded on the north by this parallel of 54° 40', I do not see, that the *little band* is in any worse condition, or the pretensions of the country at all diminished; for the former seems to me intimately connected with the latter; but quite the contrary. In that event, we should fall back upon our original Spanish title, and carry our claim to the parallel of 61°. Our arrangement with Russia was an agreement to take less than the claim we could rightfully urge, as the grantees of the Spanish Government.

The honorable Senator, in the further prosecution of his argument, that we have no claim to fifty-four forty, says that we offered that line to Russia, as her southern boundary, and to England as her northern. He then refers to the proposition made by Mr. Rush, who offered 51° as our northern boundary, and says we now seek to go *jam* up to 54° 40', after the offer of 51°, which was refused by England.

Why, sir, all this history of the negotiation is well known, and I must confess I do not see its bearing upon the peculiar views presented by the Senator. He is seeking, to show the inconsistency of the American Government in urging a claim to 54° 40', after having offered to accept the parallel of 51° as our northern boundary. But why select this offer for this purpose? We have made a much more favorable one for England, which she has more than once refused. We have offered 49°, and as late as the last season. If these changes are proofs of inconsistency, the last being the greatest, furnishes the strongest evidence of it. I re-

peat, sir, what new view is presented by going back to the offer of Mr. Rush in 1823, when that of Mr. Buchanan, in 1845, yielded two degrees more of latitude?

But there was not the slightest inconsistency, then, nor is there any now. This branch of the subject has been already fully debated, and I have no disposition to renew the discussion. These offers were all offers of compromise, made in a spirit of concession, and not the assertion of a claim; and, when rejected, the party making them was at full liberty to urge its whole title, unembarrassed by these efforts at conciliation, and without being obnoxious to the charge of inconsistency. And this was recognised and distinctly stated to the British Government by Mr. Gallatin in 1827, who said, that "his Government did not hold itself bound hereafter in consequence of any proposal which it had made for a line of separation between the territories of the two nations beyond the Rocky Mountains, but would consider itself at liberty to contend for the full extent of the claims of the United States." Here, sir, the American Government, in 1827, maintained, that the offers thus made and rejected did not reach to the extent of their full claims, but, that being rejected, we were at liberty to fall back upon our original title, as though these attempts at compromise had not been made. What right, then, has the honorable member from Missouri to charge the American Government with inconsistency, because it offered 51° and then 49°, and these offers being refused, and all efforts at compromise hopeless, now urges the full extent of its claim, as it announced in 1827 it would do?

Before proceeding further, sir, I desire to remove from this discussion the honored names of Jefferson and Madison. On a former occasion, I stated the circumstances, under which they acted, and explained, I thought sufficiently, why their sentiments and course imposed no rule of conduct on us, in the new situation, in which we are placed, unknown to them. They sought the northern limits of Louisiana, and their extension west to the Pacific. And they found some historical memorandum, stating that the parallel of 49° had been established under the treaty of Utrecht, as a dividing line between the French and British possessions on the American continent. They were indeed aware that the subject was doubtful; for Mr. Madison, in his first instructions, instead of asserting the fact, as the honorable gentleman from Missouri thinks he did, says: "*there is reason to believe it;*" and he says still further, "*you will perceive the necessity of recurring to the proceedings of the commissaries as the source of authentic information.*" "*These are not within our reach here,*" &c. And this was before our purchase of the Spanish claim, which perfected and completed our title. The course these eminent statesmen pursued was the best under the then existing circumstances. What they did not possess, we have acquired. What they did not know, we have discovered. We have extended our claim by a new purchase, and we have ascertained, what Mr. Madison appears to have suspected, that the historical statement, respecting the establishment of the parallel of 49°, at any rate west of the Rocky Mountains, is

incorrect, and that no such line exists. And the same remark applies, although to a less extent, to the cabinets of Mr. Monroe, and of Mr. Adams, both of whom have been appealed to by the Senator from Missouri in support of his position. Florida was not purchased, until towards the close of the first term of Mr. Monroe, and after that time the notion, that the 49th parallel had been established under the treaty of Utrecht, and extended perhaps west of the Rocky Mountains, may have produced some impression. But it is obvious, that it did not permanently influence the course of the Government. For Mr. Rush offered the 51st parallel, as a compromise line for our boundary; and Mr. Gallatin, as I have already said, repudiated the early offers, and went back to the whole claim.

Now, sir, where is this monstrous inconsistency and injustice, which the honorable Senator sees in the assertion of our claim by the present Administration north of the 49th? If the cabinet of Mr. Adams believed we were concluded by the treaty of Utrecht and by a line established under it, how came they to pass beyond that line, and to offer as a compromise two degrees of latitude north of it, indicating by the very offer itself, that our just claim went beyond that limit? And what was meant by the *semi-protest* of Mr. Gallatin, announcing that the preceding proposals—those of 51 and 49—having been rejected, his Government would now contend for the full claims of the United States? These full claims of course went beyond 51°; and having got so far on the north side of 49°, and so near 54° 40' with the cabinet of Mr. Adams, I shall leave to the honorable Senator from Missouri the task of reconciling their conduct with the belief, that this barrier of 49° rises like a great fortification to check our further progress in a northern direction.

The Senator from Missouri has again submitted his views, respecting the establishment of the parallel of 49°, under the treaty of Utrecht. In the former discussions his object was to vindicate the truth of history, and to redeem the character of the American Senate from the charge of ignorance. He expressly stated he made no practical application of the main fact. Now the ground seems to be changed. The Senator says that my endorsement of Mr. Greenhow's error in a *blundering book*, "*lays him under the necessity of correcting a third error, which the fifty-four-forties hug to their bosoms.*"

We do not claim any exemption from the ordinary frailties of humanity. If we hug to our bosoms the rights and interests of our country, we can bear to be sneered at, though at the same time we may be permitted to investigate the facts and the deductions, by which the charges against us are so confidently urged.

I shall not go over this matter of the treaty of Utrecht. I am unwilling even to allude to it again. But I cannot be driven from my position, or surrender it, without defence. I shall, however, touch the topic very briefly, confining myself to the new views presented by the Senator from Missouri.

The Senator says, that my endorsement of Mr. Greenhow's blunders has rendered this vindication necessary. In the first place, I have not endorsed

Mr. Greenhow's assertions or conclusions, be they blunders or be they truths. With respect to the only point, made by the Senator before, the establishment of the parallel of 49° east of the Rocky Mountains, I expressly stated it was a subject upon which reasonable men might differ. I stated that the positive and negative evidence, produced by Mr. Greenhow, had induced me to believe, that no such line had been run, but I expressly disclaimed the very endorsement, which the gentleman now charges upon me. But I will add, that all my subsequent examination and reflection have fortified this belief, and I am more and more convinced, that the assertion, respecting the establishment of this line, is an historical error, which should be removed from all our debates on this subject.

In the second place, the honorable Senator has renewed this discussion for a new purpose, not before avowed. It is now not alone with a view to vindicate history, and to redeem the character of the Senate, as on the former occasion; but also for a much more important object—for the *establishment of a political right*. The subject ceases to be one of speculation, and becomes one of action. This line is now pushed across the Rocky Mountains, and is interposed as a barrier to the extension of the territorial claim, which our Government has asserted.

Before I proceed further, allow me to say that the fifty-four-forties occupy the negative side of this position. The proof must come from their opponents. It is said that our claim is limited by the parallel of 49°. The existence of a claim is conceded on all hands. In its extension north, it is met by the assertion, that its further progress in that direction is stopped by a line on the parallel of 49°, established by the treaty of Utrecht more than a century ago. Now let those, who say this, prove it. The burden is upon them. The assumption, till shown, and satisfactorily shown, is purely gratuitous. And the proof must be reasonable, and such as suits the circumstances; not loose assertions, and quotations from historical works, without authority upon such a subject; and more especially when there are a vast number of circumstances of a positive and negative character, which discredit the establishment of such a boundary; and when the notices referred to seem to be repeated successively from one word to another, without any examination of their authenticity, and depending perhaps on one common and erroneous origin. Why, the very discussion, in which we are engaged proves the necessity of adhering to established principles. A suit for 12½ cents could not be maintained upon such proof as is here adduced, when so much better is within the reach of the parties. Two months are amply sufficient to procure from the archives of London or Paris evidence upon this subject, which would terminate the controversy. Until that is produced, I, for one, shall protest against the rights of our country being limited or affected by the assumption of a line, resting merely upon loose assertion, and upon deductions made from them.

With respect to the existence of this line under the treaty of Utrecht, what evidence not already considered, and, as I think, fairly refuted, has the

Senator from Missouri produced? I shall glance at, rather than examine, the facts he has brought forward.

First, he states that the British Indian traders asked as a favor to be permitted to trade in Louisiana south of 49, which was refused. The official communication of the British ministers, referred to in support of the above assertion, respecting this parallel, does not support it. The application was made under the treaty of 1794. Louisiana was acquired subsequently. No specific boundaries are alluded to, but a claim is made to trade with the Indians in Louisiana. But the honorable Senator states that Major Stoddart, who was then, I think, not Governor of Louisiana, but military commandant at St. Louis, in his Sketches of that country, speaks of its northern boundary as follows:

"The commerce of Crozat, by the terms of the patent, extended to the utmost limit of Louisiana in that quarter, which, by the treaty of Utrecht, in 1713, was fixed at the 49th degree."

I think I may safely appeal to the honorable Senator and ask him, whether he thinks such a mere assertion as this is entitled to any weight in the determination of this grave question? Major Stoddart says that, by the treaty of Utrecht, 49° was the northern boundary of Louisiana. But Major Stoddart was no original authority on such a subject, more especially at the distance of a century from the execution of the treaty. He had, no doubt, read the statement of Douglass, which I will again quote at the hazard of repetition, as it seems to have been the source of the opinion entertained respecting this matter. His language may be more or less traced in all the notices, that I have observed. He says, page 7:

"By the treaty, however, the Canada or French line with the Hudson Bay Company of Great Britain was ascertained from a certain promontory upon the Atlantic ocean, in fifty degrees thirty minutes of north latitude, to run southwest to Lake Mississin, to be continued still southwest to the forty-ninth degree, and from thence due west indefinitely."

But, sir, notwithstanding the reverence the honorable Senator from Missouri professes for the views of those who have preceded us in their action on this subject, he himself arraigns the conduct of Mr. Monroe, in concluding a convention with England in 1818, by which the parallel of 49° was established as the line of demarcation, between her western possessions and ours, east of the Rocky Mountains. He says "the treaty of Utrecht 'did for us what our own treaties did not.'" "That 'convention was an act of supererogation, so far as it followed the line of Utrecht—an act of deep 'injury so far as it stopped it.'"

"The line of 49 degrees was just as well established, and just as well respected and observed from the Lake of the Woods to the Rocky Mountains, before that convention as after it. Nay, more, it was the understood line between those mountains and the sea, and would itself have settled the Oregon question, and settled it wisely and beneficially, if it had only been permitted to remain unmutated."

Then, sir, these *fifty-four-forties* are not the only persons, who have discredited the existence of this line, east of the Rocky Mountains. It has been authoritatively and practically disclaimed, and disavowed, and discredited, both by the British and American Governments. The act by which this was done he calls an act of "supererogation." I call it an act of wisdom, founded on the convic-

tion of both of the parties, that a line of demarcation between their respective territories, was necessary, and never had been established. The honorable Senator censures Mr. Monroe for this arrangement. But Mr. Jefferson is equally censurable, so far as respects *this work of supererogation*, for he made precisely the same offer to England in 1807. He, indeed, struck out a provision that the arrangement should not extend west of the Rocky Mountains; but he did this in order not to excite the jealousy of Spain.

The honorable gentleman, in the previous discussion of this matter, did not present this subject in the same point of view. After noticing the *projects* for the establishment of 49°, he says: "Here is concurrence in the proceedings of commissaries 'under the treaty of Utrecht.'" "Here is submission on the part of the British," &c. What was then *concurrence* and *submission* now becomes *supererogation*. But, sir, Mr. Jefferson's fame may be redeemed, and the credit of the American and British Governments for common sense supported, by reference to a very obvious consideration; and that is to a doubt respecting the existence of this line of 49°—a doubt which, in all probability, ultimately strengthened into conviction. The very view, which the honorable Senator now presents, was presented by myself in a former discussion, in order to prove that all the statesmen alluded to must have believed or suspected this celebrated line was a nonentity. This work, then, which occupied the attention of the two Governments at various intervals for ten years, was not a work of supererogation, but of prudence. I said: "But if 'by concurrence is meant, that this line was actually established by the treaty of Utrecht, and 'thus binding on the parties, no other convention 'was necessary. Both nations, upon this assumption, mistook their own rights and their duties. 'The boundary had been established a century 'before, and they were carrying on a useless and 'barren negotiation, which was thus blindly and 'unnecessarily ripened into a treaty in 1818.'"

The Senator introduces a memorial from Lord Selkirk, in which there is an allusion, although not a very clear one, to the treaty of Utrecht; but as it says expressly that "the stipulations of the 'treaty of Utrecht as to the limits of the Hudson Bay 'territories do not bear at all upon the question," and as this memorial is characterized by the American ministers as an *idle paper*, I shall not stop to examine it; especially as I know of nothing in the position or character of Lord Selkirk, which would give to his opinion any peculiar weight in the adjustment of this question. The establishment of a great national boundary requires better evidence, than the surmise of even a Scotch nobleman, who possessed no source of information, not open to all of us. We want facts, and not opinions, and facts authentically proved.

I pass by, also, the memorial of Messrs. Monroe and Pinckney to the Spanish Minister, because they repeat the same facts, in almost the same language, which were communicated by Mr. Madison to Mr. Monroe, and which have been traced back to Douglas. These gather no strength from repetition, and must be judged by the original authority, and not by the number of transcribers.

The honorable Senator has made a remark, in the justice of which, I fully concur. He says:

"That when a man is struggling in a just cause, he generally gets help, and often from unseen and unknown quarters."

He says "that timely assistance has come to him in this matter," and among these unforeseen contributions, he has introduced a letter from Mr. Pitkin to Mr. Webster, in which the writer sneers at my credulity, or pities it, I know not which, because I have *placed myself upon the statements of Mr. Greenhow*. I shall not turn out of my path to redeem myself from this charge of credulity, or what would be still less desirable, to escape the pity of Mr. Pitkin. I have more important objects in view. That gentleman refers to a conversation, which took place at the dinner table of Mr. Jefferson in 1806, in which that eminent man advanced the opinion, that by the treaty of Utrecht the parallel of 49° was established, as the boundary between the French and English possessions. The opinion of Mr. Jefferson gains no weight by this repetition of it. We had it before in a much more authentic form: in the letter of instruction from Mr. Madison, Secretary of State, to Mr. Monroe. I repeat, sir, we must pass by all these opinions, formed a century after the event to which they refer, and go to the original authorities, which are as open to us as they were to our predecessors, and with the additional benefit of a severe and long continued investigation.

Mr. Pitkin transmits also an extract from the work of Colonel Hutchins, which was presented by Colonel Pickering to Mr. Jefferson, and the Senator from Missouri seems to give importance to this additional testimony. It is still the same question—the question of repetition. I must make my acknowledgments, as well as the Senator from Missouri, to friendly contributors; and one gentleman, whom I will name—and he is not only a personal friend, but a man of reading and judgment, (Mr. Buel, of Detroit)—has investigated the subject with research and care, and has furnished me with the result of his labors. I owe to him an extract from Salmon's *Modern History*, published in 1746, which I will refer to. I shall place in juxtaposition the extract from Hutchins, furnished by Mr. Pitkin, by which it will be sufficiently evident, that these authorities are essentially the same, the latter being derived, in all probability, from the former:

From Salmon.

"And commissaries did afterwards settle the limits by an imaginary line drawn from a promontory situated on the Atlantic ocean, in 58 degrees 30 minutes, and running from thence southwest to the lake Miscoink, or Mistazan, and from thence southwest indefinitely to the latitude of 49; all the countries to the north being assigned to Great Britain, and all on the south, between that line and the river St. Lawrence, or Canada, to France."

From Hutchins.

"And commissaries afterwards, on both sides, ascertained the limits by an imaginary line, running from a cape, or promontory, in New Britain on the Atlantic ocean, in 50 degrees 30 minutes north latitude, then southwest to the lake Misingae, or Mistassin; from thence further southwest direct to the latitude of 49 degrees. All the lands to the north of the imaginary line being assigned to Great Britain, and all southward of that line, as far as the river St. Lawrence, to the French."

These extracts, sir, are similar in their state-

ments, and almost the same in their language. The one was parent, and the other offspring. There are but two differences—emendations made by Hutchins from his own views, or from information obtained elsewhere. One is the substitution of latitude $50^{\circ} 30'$, and the other is in changing *southwest indefinitely* to *southwest direct*. This unfortunate line has so many, Protean shapes, that it eludes all attempts to seize it.

The Senator from Missouri says that "*this was, without doubt, the identical paper transmitted by Mr. Madison to Mr. Monroe;*" and he adds: "I mentioned that paper once before, when it was pretty well cried down by the Senator from Michigan, [Mr. Cass.] I mention it now again, and with hopes of better results."

My opinion on this subject remains unshaken. The identity of the language used by Mr. Monroe, in carrying into effect the instructions of Mr. Madison, with the language employed by Douglas, as I stated on a former occasion, leaves no doubt of their common origin. Let us compare them:

Mr. Monroe says:
"The boundary was ascertained by a line, beginning in the Atlantic, at a cape or promontory, in $58^{\circ} 30'$ north latitude; thence southwesterly to Lake Mistissin; thence further southwest to the latitude of 49° north from the equator, and along that line indefinitely."

Now, sir, there is in these extracts a parity, not to say an identity, of language, which speaks their common origin. As Salmon was the authority for Hutchins, so was Douglas the authority for Mr. Monroe.

How the Senator from Missouri could refer to the extracts from Hutchins, in proof that a line was established by the treaty of Utrecht, west of the Hudson's Bay Company possessions, and still more, how he could refer to it as the foundation of the representation made by Mr. Madison and Mr. Monroe, is to me incomprehensible. Why, this line, according to Hutchins, expressly stops, when it reaches the parallel of 49° , and yet his authority is here introduced in support of the statement of its indefinite extension on that parallel, and its continuance as our boundary to the Pacific.

His line runs from Lake Misgasing or Mistassin directly southwest to the parallel of 49° . It will be found, by reference to the maps, that this lake is in latitude $50^{\circ} 30'$, (nearly,) and almost north of Quebec. A line run thence southwest would strike the parallel of 49° , nearly north of Cornwall, in Lower Canada, and about two hundred and fifty miles from that place. The lake is itself one of the sources of Rupert's river, a confluent of Hudson's Bay. And the country divided by this line may be described, in general terms, as lying between Hudson's Bay and the Atlantic, north of the St. Lawrence. Thus confirming the reference made by Salmon, and by Hutchins after him, to the southern extension of the region, partitioned between England and France.

Now, sir, how stands this matter? Douglas said this line started from a promontory in $58^{\circ} 30'$, and run thence southwest to Lake Mistissin; thence southwest to 49° degree; thence indefinitely west.

Salmon said the line started from a promontory in $58^{\circ} 30'$, and run thence southwest to the Lake Mascosink or Mistassin, and thence southwest indefinitely to the latitude of 49° .

Jeffreys said the line started in about the latitude of 56° , and drawing with it a curve (*mirabile dictu*) through the Lake Abitibis down to the 49° degree; thence to the Northwest ocean.

Hutchins said the commissioners ascertained this limit by an imaginary line from a cape or promontory in New Britain, on the Atlantic ocean, in $50^{\circ} 30'$ north; thence southwest to Lake Misgasing or Mistassin; from thence further southwest to latitude 49° .

Messrs. Monroe and Pinckney said the line began in a cape or promontory in $58^{\circ} 30'$, to run thence southwesterly to 49° , and thence indefinitely west.

Here, sir, are no less than five different boundaries, referred to as established under the treaty of Utrecht. We cannot believe they are all correct. And which are we to choose? Are we to stop at 49° , with Salmon and Hutchins? or are we to go on indefinitely west with the other authorities? Is the course to be direct or curvilinear? These loose statements are altogether too doubtful, indefinite, and contradictory to be relied upon in such an investigation. They are practical illustrations of the wisdom of the principle, which requires the best evidence the nature of the case admits. That best evidence is at London and Paris. Let it be produced.

The honorable Senator acknowledges the receipt, in a letter from Mr. Kennedy, of an extract from the journal of the English House of Commons in 1714, showing that commissaries were appointed for settling the trade between England and France, and he deduces from that entry the conclusion, that commissaries were probably appointed at the same time to carry into effect the tenth article of the treaty of Utrecht, which relates to limits. There is no necessity to make this a matter of deduction. We have better evidence on the subject, to which I have before referred, and to which I will refer again. It is the statement of Father Charlevoix, the celebrated traveller, and historian of the French settlements in America, who was sent to this continent by the French Government to explore and describe their possessions. He says:

"The negotiations between the two Courts for the boundaries ceased, although commissaries had been appointed on both sides ever since the year 1719."

And this is corroborated, if the statements of such a man as Charlevoix needs corroboration, by De Mofras, who says, that—

"There does not exist in any written record, nor in any maps or charts, a single document showing that these frontiers (the boundaries under the treaty of Utrecht) ever were definitively established. And in 1723, all proceedings on this subject had been abandoned, according to Father Charlevoix, that not the least pretext might be given to violate the good understanding, which it had been found so difficult to establish between the two Crowns of France and England. The archives of the Office of Foreign Affairs contain no charter or memoir relating to the treaty of Utrecht, regarding these frontiers, nor do those of the Department of Marine; and thus the assertion of Charlevoix is fully sustained."

There is no doubt of the appointment of commissaries. There is no doubt they met and commenced their diplomatic discussions. *Projets* were

probably received and interchanged. And perhaps the discordance among the historians, to which I have already adverted, arises from their reference to these *papers*, and *counter papers*, and not to any final act of the commissaries. I repeat, sir, what I said on a former occasion, I do not presume to speak dogmatically on the subject. It is my opinion, from the proofs before me, that no line was finally settled under the treaty of Utrecht. This opinion I am ready to change whenever the present evidence is changed into evidence more satisfactory.

The honorable Senator says, that when the celebrated map of George III. is produced, a red line will be found on it about "a tenth of an inch wide," marked "Boundaries between the British and French possessions in America, as fixed by the treaty of Utrecht." I have only to say, sir, that I have already declared war against one red-lined map. Whether I shall do so against another, it will be time enough to determine, when I see it, and examine the circumstances connected with it.

So far, sir, this discussion respecting boundaries under the treaty of Utrecht has no practical bearing upon any question before us. But the Senator now carries the line west of the Rocky Mountains, a position not before assumed, and which, if established, will take from us almost one half of the Oregon territory. There is not one of the authorities, to whom he refers, who carries the line upon the parallel of 49° to the Northwestern ocean. The Senator says, indeed, that Jeffreys does, but the quotation he introduces from that author does not support this view. He seems to attach much importance to this authority; so much so, indeed, that I shall stop a moment to examine it.

"Thomas Jeffreys, Esq.," as stated by the Senator, "was *geographer to his royal highness the Prince of Wales*." He was a professed map maker, and he wrote a work, published in 1760, entitled "History of the French Dominions in North and South America." The Senator says: "He takes credit 'to himself for making it (the line of D'Anville) 'more favorable to the French than the French had 'made it for themselves.' What changes he made, or upon what principles, are not shown. The remark is not calculated to increase our estimate of his accuracy.

The Senator says that "the latitude of 49° to the Western ocean is his limit of the British possessions." I will not assert, that there is any mistake here, for I cannot refer to the book, quoted by the Senator; but if the extract he gives contains all that Jeffreys says upon the subject, it certainly does not justify the construction, thus given to it. Jeffreys, as quoted, says, speaking of the line:

"Beginning at Davis's Inlet, on the east coast of Labrador, or New Britain, in the latitude of about 56 degrees, and drawing with it a curve (certainly a very precise description of an important boundary) through the Lake Abitibi, down to the 49th degree of north latitude; from thence to be continued to the Northwest ocean, as it was settled by Commissioners under the treaty of Utrecht."

Here is no continuance upon the parallel of 49°, but a continuance, without describing the course, after stating the parallel. If, however, Jeffreys intended to assert, that the line followed the parallel of 49°, he is at war with himself, and utterly unworthy of confidence. In his work, published seven years afterwards, in 1760, to which I have

already referred, he says: "Canada, according to the English accounts, is bounded north by the highlands which separate it from the country about Hudson's Bay," &c. "Its limits towards the west extend over countries and nations hitherto undiscovered." Here is neither 49°, nor the northwest ocean. But still further. In this work is a map of North America, exhibiting the boundaries between the British and French possessions. And upon this map is a line which commences in the Hudson's Bay regions, and runs thence about southwest, perhaps one hundred miles, nearly in the latitude of 48°; thence northerly on a curvilinear course to a point north of 49°, and about north from the west end of Lake Superior, where that part of the map stops. It is a line, which evidently follows the highlands, as stated above by Jeffreys; because, with one exception, it divides the waters running north from those running south. And it is thus marked: "Bounds of Hudson's Bay by the treaty of Utrecht."

Douglas carries the line indefinitely west, and that expression might be rendered consistent with its termination east of the Rocky Mountains, because the western boundary of the Hudson Bay possessions (the limit of the British territory in that direction) was unknown.

I will not go over this matter, sir, but I will take the liberty of adverting to the synopsis of the considerations, connected with it, which I submitted to the Senate on a former occasion:

1. It is not shown that any line was established on the parallel of forty-nine to the Pacific ocean.

2. The country on the northwestern coast was then unknown, and I believe unclaimed; or, at any rate, no circumstances had arisen to call in question any claim to it.

3. The British negotiators in 1818, and their minister here in 1844, fixed upon the voyage of Captain Cook, in 1778, as the commencement of the British title to what is now called Oregon.

4. The treaty of Utrecht provides for the establishment of a line, between the British and French colonies, including the Hudson Bay Company. The British held nothing west of the company's possessions, which, by the charters, included only the "*lands, countries, and territories*" on the waters running into Hudson's Bay.

5. If England established this line to the Pacific ocean, she can have no claim south of it; and this kind of argument *ad hominem* becomes conclusive. And let me add, that I owe this argument to my friend from Missouri, [Mr. Atchison,] to whose remarks upon Oregon, the Senate listened with pleasure and with profit some time since.

6. How could France and England claim the country to the Pacific, so as to divide it between them in 1713, when, as late as 1790, the British Government, by the Nootka convention, expressly recognised the Spanish title to that country, and claimed only the use of it for its own subjects, in common with those of Spain?

To these I will now add—

7. Nootka Sound is north of latitude 49°. If the limits under the treaty of Utrecht established that parallel as the southern boundary of the British possessions to the northwest ocean, how happened it that, in the great controversy of 1790, between

Spain and England, this conclusive fact was never adverted to by one party, nor by the other? Strange, indeed, that so decisive a consideration should have escaped the observation of the Spanish statesmen; and still more strange, that it should have escaped the searching investigation, which the subject underwent in the British House of Commons, by Pitt and Fox, and the other master spirits of that day. The controversy could not have existed, if this discovery had been then made.

So would this question stand if Spain had been a party to the treaty of Utrecht, or had been bound by any arrangement made by France and England, for the establishment of a line between their respective territories. But the fact is, that any such arrangement for the partition of the country west of the Rocky Mountains was impossible, from the circumstances of the times, and from the position of those three Powers. The treaty of Utrecht terminated the long and bloody war, which arose out of the Spanish succession. Louis XIV succeeded in placing his grandson, Philip V, upon the throne of Spain. France and Spain were closely connected, and had fought the war together. They were allies, and the enemies of England. The Spanish jealousy of that and of the following age, respecting the Spanish possessions, especially those upon the Pacific, is well known; and, at that time, no other Power interposed an adverse claim to that region. It is utterly incredible, that in such a state of things, France would consent to the extension of the British possessions to the northwest coast, and least of all, that she would make herself a party to such a flagrant act of injustice. It was not a single treaty of Utrecht, which put an end to the war. There were different treaties formed. The one between France and England was a treaty of peace, and also a treaty for the regulation of commerce, and for the establishment of boundaries. That between Spain and England was a treaty of peace and commerce only, and contained no stipulations respecting boundary. An effort by France and England, to divide the country upon the northwest coast between them, would have been resisted by Spain, as an act of war. Instead of any such effort, this pretension of their right to appropriate to themselves a country unknown to them, now seriously asserted in the American Senate, has been unrevealed to the world, till called into existence at this late day, and announced without any real evidence to support it, as a means of settling a controversy about limits, in a region, which neither France nor England had explored, and to a feat of which they never laid claim.

I shall briefly allude to one other topic, and then abandon this discussion. While I was happy to hear the honorable Senator avow his determination to support the recommendations of the President in his annual message at the commencement of the present session on the subject of Oregon, I deeply regretted to find, at the same time, that in the far most important point, he differs essentially from the President, and proposes a course, which, it seems to me, is not only impolitic and unusual, but which will necessarily lead to the loss of one-half of the country in dispute, and may lead to a division of the other half. The President proposes the assertion of our jurisdiction over Oregon. The

honorable Senator proposes its assertion over only about one moiety of Oregon. This is a fundamental difference, which no argument can reconcile. The extent of the Oregon of the President is known to all of us. It is the same Oregon which excites such deep solicitude among the American people. It is bounded north by the parallel of 54° 40', as announced by Mr. Buchanan in a letter to the British Minister, dated July 12, 1845. It is the same Oregon, which is claimed by the British, and over which they have extended their jurisdiction. But the Oregon of the honorable Senator stops at 49°; his line dividing what neither nature nor political rights destined to a division.

And why, sir? why does the honorable Senator, in opposition to the repeated declarations of the American Government, and to the strong feeling of the American people, erect a barrier upon the parallel of 49°, saying, Thus far you may come, but no farther? Why does he insist upon a legislative annunciation, which, while it could not give us the country to that parallel, would forever deprive us of all hope of the country beyond? If this question is placed upon the ground of expediency, and if that artificial line upon the surface of the globe is assumed as a reasonable line of compromise—reasonable because dividing the country into two nearly equal parts, and because it has been several times offered by the American Government to the British Government as a limit of concession—then I find no fault with those, who take this view of the matter, and who propose thus to terminate the controversy. He who believes, that both parties have an equal title to the territory in question, or that any obligation is created by offers of compromise heretofore made and rejected, may well look upon the parallel of 49° as a just and equitable line of partition. I repeat, I find no fault with this view of the matter. But this is not the view of the Senator from Missouri. *He says the parallel of 49° is the line of right, "resulting from the treaty of Utrecht."* "Thus," says the Senator, "the line of right is the best for both parties," &c. "Forty-nine is the line of right with me," &c.

And why is this the line of right? Because it was established by the treaty of Utrecht. If not thus established, it is no line of right. And he, who seeks so to establish it, must prove it. Let the honorable Senator prove it. I submit to him, if the loose and contradictory notices, he has brought forward, are sufficient proofs of the existence of a great line of national demarcation, under any circumstances, and still less, under existing circumstances, contradicted as they are by the highest considerations, and by the most respectable authorities. I submit to him, whether it is wise to stop his country's pretensions, without the most irrefragable evidence, that his country is wrong.

Is there such evidence? The Senator refers again to the progress of this negotiation, and invokes the acts of Mr. Jefferson and of Mr. Madison, as indicative of their opinions. I shall not go over this ground, only recalling, that all this was before the Florida treaty, and before the discovery of the error, respecting the line of Utrecht. Our rights have since then been extended by purchase, and made known by correct historical investigations.

The Senator says:

"It is the line of right, resulting from the treaty of Utrecht, and as such, always looked to, in the early stages of this controversy, both by American and British statesmen, as the ultimate basis of settlement and boundary between the countries." "It is the line of all the American statesmen, without exception, twenty and forty years ago."

Now, sir, here is a great error, and I am going to prove it. I am going to prove, that this parallel of 49° was not the line of all the American statesmen, twenty and forty years ago. Nay, more, sir; I am going to prove it was not the line of the Senator himself. And he has given proof, by long years of services, of his right to the title of an eminent statesman. The task is an easy one. *To the law and to the testimony.*

In the very first negotiation, in 1818, upon this subject, after the war, and before the acquisition of Florida, in the statement of the claims of the United States, Messrs. Rush and Gallatin "did not assert that the United States had a perfect right to the country, but insisted that their claim was at least good against Great Britain."

In 1823, Mr. Monroe proposed to England and Russia, as I have already shown, that the parallel of 51° should be our northern boundary.

Mr. Rush, in a communication to Mr. Adams, dated August 12th, 1824, informed him that in his interview with the British ministers, he had claimed for the United States, "in their own right, and as their absolute and exclusive sovereignty, the whole country west of the Rocky Mountains from the 42d degree to at least as far up as the 51st degree of north latitude."

He says likewise, in the same communication, that "the claims of the United States above the 42d parallel, as high up as 60°—claims as well in their own right as by their succession to the title of Spain—would henceforth necessarily preclude other nations from forming colonial establishments upon any part of the American coast."

Mr. Rush, in the course of the discussion, remarks: "It was clear, by the treaty of Paris, of 1763, her territorial rights (those of Great Britain) were bounded west by the Mississippi."

It is not among the least remarkable incidents of this remarkable controversy, that in the American Senate, the existence of this line, even west of the Rocky Mountains, is so peremptorily asserted, that all who but doubt and call for evidence, are parties to a *pie poudre* insurrection, a *puddle lane* rebellion, which spreads from a clerk in the Department of State to this dignified body, having organs big and little. Happily for the truth of history "it now dies," says the honorable Senator, "the death of the ridiculous." And yet the two Governments, who conduct and are responsible for the negotiation, totally discredit and disregard this line, not only by a most contemptuous silence, leaving it out of the discussion, but by asserting pretensions, utterly inconsistent with its existence. Many a weapon has recoiled, and many an anticipated victory has been turned into a defeat. King Priam is not the only man, whose spear fell without effect, *Telunquo imbelle sine ictu coniecit*. "Let not him that girdeth on his armor boast, as he that putteth it off."

On the 18th of August, 1842, the honorable Senator from Missouri delivered a speech in this body, on the subject of the Ashburton treaty, in which he entered at some length into the consideration of

our title to Oregon. In that speech, he stated that the line of 49° was established by the treaty of Utrecht, as a line between France and England, and that we, as the successors of France, were entitled to the benefit of it against England. He did not at all consider this line as limiting us to the north; for he expressly says that, "*without giving us what we were entitled to by the right of discovery, and as the successors of Spain, it would still take from Great Britain all she wanted.*"

"Nootka is in latitude 50°, being four degrees north of the Columbia, and to that degree did Spain assert and maintain her title against Great Britain in 1790. But this was not the extent of that right. Against the British she asserted it to the whole extent of the coast; against the Russians, (the only real claimants with ourselves in that quarter,) to latitude 55°." WHAT BECOMES OF THE BRITISH CLAIM NOW?"

This is certainly going *jam* up, or I do not know what *jamming* is.

"Thus, as claiming from Spain, our title is good against England, throughout the whole coast; against Russia to latitude 55°."

"Our title is clear, that of the British null. She sets up none; that is, she states no derivation of it. There is not a paper upon the face of the earth, in which a British Minister has stated a title, or even a claim. They have endeavored to obtain the country by the acts of diplomacy, but have never stated a title, nor ever can state one."

"No, sir, no. Great Britain relies on her own audacity, and our mercantile love of peace. Her title is her will and her arms."

On the 2d of February, 1843, the honorable Senator, in a debate upon the Oregon bill, says, "I grant that Great Britain will take offence at us, but that is not the question with me. Has she a right to take offence? That is my question, and that being decided in the negative, I neither fear nor calculate consequences." "Courage will head her off. Fear will bring her upon us. The assertion of our rights will command her respect; the fear to assert them will bring us her contempt."

In a speech in the Senate, on the 12th of January, 1843, the honorable Senator said, "as a fact, that treaty (the Nootka Sound treaty) nullifies all British claim on the northwest coast; as a law, (if not abrogated by war,) it would still confine them to the pursuit of hunting and fishing. The treaty of 1819, by which we acquired all the Spanish title north of 42°, has given us all the benefits of the Nootka Sound treaty, both as a fact and as a law; and tested by either, the British are excluded from the northwest coast of America, for all the purposes of settlement or colonization."

Now, sir, I thank the honorable Senator, *because he does not get angry with us fifty-four-forties*. It is not for me to reconcile these views with the position he now occupies. I confess I am too simple for that. And though I take the nostrum recommended by him, and *rub my eyes, and rub again*, I am

* The Senator from Missouri, in some remarks immediately following this speech, stated that this observation respecting the British title, had reference to the valley of the Columbia; while I accompany the extract with this limitation, as an act of justice, I may be permitted to remark, that it does not at all affect the conclusions at which I arrive. The Senator assumes as a postulate, that the parallel of 49° is the line of right, which bounds our Oregon. But the valley of the Columbia extends probably four degrees north of that limit, and by claiming the whole of that valley, this line is just as much nullified, as a line of right, as it would be by going to 54° 40', or to any distance beyond.

still encompassed with darkness visible. I suppose it is because I cannot *distinguish between things and words*.

On the 27th of May, 1827, Mr. Gallatin announced to the British commissioners (a fact I have already referred to, but which I must again introduce in this connexion, even at the hazard of repetition) that "his Government did not hold itself bound hereafter in consequence of any proposal, which it had made for a line of separation between the territories of the two nations west of the Rocky Mountains; but would consider itself at liberty to contend, in their fullest extent, for the claims of the United States."

If this does not mean, that the preceding offers of 49° and of 51° were offers of compromise, claiming less than we were entitled to, then language has lost its force, or I my power to comprehend it.

In the session of Congress of 1827-'28, a bill was reported in the House of Representatives asserting our jurisdiction to 54° 40'.

On the 30th of August, 1845, the American Secretary of State, in a despatch to the British Minister, says:

"Upon the whole, from the most careful examination which the undersigned has been able to bestow upon the subject, he is satisfied that the Spanish American title, now held by the United States, embracing the whole territory between the parallels of 42 degrees and 54 degrees 40 minutes, is the best title in existence to this entire region."

Now, sir, who has a right to say, that since 1818, any one Administration of the American Government, or any member of that Government, has considered the parallel of 49°, as the extreme northern limit of our claim? It is obvious, that that line has been offered as a line of compromise, of concession, of conciliation, and not recognised as an existing boundary.

Well, then, sir, we claim north of 49°. We may differ in our estimate of the nature of this claim, and of the strength of our title. To some it may appear so clear as to justify our assertion of it as a boundary at all hazards. While to others it may appear doubtful, and a proper subject for negotiation and compromise. I do not object to this. But I do object, and strenuously too, to any attempt on the part of the Senate to discredit this claim, whatever it may be. It seems to me unwise, impolitic, indeed unconstitutional, if not dangerous. The Executive, in his negotiations with a foreign Government, for the settlement of a great question of boundary, asserts our title to a given limit. The matter is *sub lite*, to be settled by the pen or by the sword. Does it become Congress to make a formal declaration, for such, in fact, the proposition of the honorable Senator amounts to, that 49° is our northern boundary, and that the President and

his predecessors have demanded more than we are entitled to? For it is obvious, that when the Senator proposes to establish the boundary by treaty, but that till it is so established, the parallel of 49° shall be regarded as our northern limit, all the country to the north is at once abandoned. England comes to 49° by our act, and a proposal for compromise will be for her, in effect, a proposal to divide the region to the south. So far she is sure. She has the best of the bargain, for we begin by ceding to her one-half of the territory, without the slightest consideration on her part. The disposition of the other half must abide events.

This is not the way, in which men conduct their affairs in private life. We should form but a poor estimate of the wisdom of the man, who, claiming a tract of land, should commence a controversy by saying to his opponent, This whole land is mine, but I will begin by yielding to you one-half of it. Now, let us go to work to make a compromise for the other half. But the proposition of the Senator, if I understand him, is to be a legislative ultimatum. It is a direct interference with the Executive functions. We had better leave the matter where the Constitution has left it, and where it can be much better managed, than by congressional interference.

But what could be gained by this course under any circumstances? England claims an undivided moiety of the Oregon territory. If we appropriate to ourselves the whole country south of 49°, without her consent, we are just as sure to have a contest with her, as if we extended our jurisdiction north of that line. We should place ourselves in no better position by this act of concession. It would be made equally without consideration and without benefit. By the assertion of exclusive jurisdiction, within whatever limits, we forcibly evict England from her possessions; and let it be the whole or a moiety, we equally interfere with her claim. We must negotiate or come into contact. And if we are to come into contact, let it be for the whole. What Englishman discredits an English claim? During the progress of this whole controversy, no man in England doubts the title of England. He may be prepared to compromise; but while he does this, he compromises in his opinion by concession. He claims to 42°; but if he agrees to retire across the Columbia river, he does so in a *spirit of moderation*. We may draw lessons of wisdom and of patriotism, too, from other nations. My own sentiments are known. I desire to go to 54° 40', and I should prefer the bill with that specific boundary. But I would accept it with indefinite limits, leaving the whole adjustment to the President. If the amendment of the Senator prevails, I shall vote against it.

John M. Mason

Cass, Senate

AID TO YUCATAN.

On the Bill to enable the President to take temporary military possession of Yucatan,

Mr. CASS addressed the Senate as follows:

Mr. PRESIDENT: Before I proceed to the direct consideration of the subject before the Senate, I beg leave to recall a remark made by the honorable Senator from Connecticut in the discussion of yesterday, and to correct an error into which I think he has fallen. In deprecating the prompt action of Congress in this matter, the honorable Senator justified our delay by the delay of the Executive; and I thought with an appearance of harshness, if not of severity. He said the subject had been before the President for some weeks, perhaps for some months, without any decision; and he seemed to draw the conclusion, that we might now require an equal time to determine upon our legislative course. There is an essential difference, however, between the action of the Executive and of the legislative departments upon this subject. I believe it is about two months since the melancholy state of things in Yucatan was first made known to this Government, and its interposition implored. It was a new question, involving very serious considerations. We all feel this; for they are pressed upon us more and more at every step of our progress. However urgent were the claims of humanity, the necessary information for discreet action was not in the possession of the Executive. The commissioner of Yucatan had indeed made his representation; but it required to be fortified by less partial information—by the reports and opinions of our own officers, who were acting upon the coasts of that country, and who were acquainted with its present condition, and the causes that led to it. Well, sir, it took time to procure these facts through this channel, and, as soon as they were procured, the President determined upon his course, and transmitted the message now under deliberation. Certainly gentlemen do not desire the same time to discuss such a question as this, as was necessarily consumed in the collection of information. The great points of the case are before us, and the application now comes, not merely from the Yucatese commissioner, but from the legislative department of the Government in a solemn decree, and from the Executive of the country. It is a case of overwhelming, overpowering, necessity. While we are deliberating, the sad action is going on; and however prompt we may now be, we may not be prompt enough for the circumstances. The fate of the country may be decided before we can send any relief. At any rate, let us redeem ourselves from the reproach of indifference or unneces-

sary delay. This is one of those great cases for human action, where to do well is to do promptly, and where too much caution will show that we are unequal to the position in which we find ourselves placed.

I need not recall the condition of Yucatan. The message itself, with the accompanying documents, the information which daily reaches us through the public journals, and the discussion here, have put us in possession of the true state of things in that unhappy country. It is divided between the two races of Spanish and of aboriginal descent, and the Indians have obtained the superiority—have descended from the high country upon the low, and are driving the white race before them to death or to the ocean. It is a war, if that can be called a war, where the fighting seems to be all upon one side, of destruction and extermination. Not figuratively, because here and there a man is killed or a plantation laid waste, but literally, rigidly; for nothing is spared, neither man nor his works, and fire and the sword accompany the Indian army, and do their work without pity as without remorse. Aid, under such circumstances, is a duty of humanity, which no one in this country calls in question. But, owing to the peculiar features of our own Constitution, many doubt whether this Government has the power to grant it. Though I believe, sir, we may clearly interpose in such an extreme case of national suffering, as was done many years since for Caraccas; yet, as this question does not lie in my way, I shall not turn aside to seek it. All may hold the claims of humanity to be a strong inducement for action, when conjoined with other motives for legislative interposition, which render our action equally constitutional and expedient. This question intimately connects itself with the prosperity and (I had almost said) the safety of our country. We have reached one of those epochs in the progress of nations to which the historian looks back with interest, and whence he traces much of the good or evil they encounter in their career—one of those epochs which impress themselves upon the character of a country, and when vigorous counsels are equally dictated by justice and by wisdom, while timid and irresolute measures are sure to be followed by political weakness and by the contempt of the world.

The principle advanced by Mr. Monroe, many years since, in two of his messages to Congress, which denounced any future attempt of the European Powers to establish new colonies in this country, has been brought into this discussion, and, in fact, necessarily connects itself with it. This principle has been reasserted by the present Exec-

utive, upon the same general considerations which influenced the action of his predecessor. It was a wise measure, fully justified by received principles of the law of nations and by the actual circumstances of our country. The honorable Senator from Connecticut [Mr. NILES] considers the reiteration of the principle by the present Executive, and perhaps its original announcement by Mr. Monroe, as the claim of a right to regulate all the affairs of this continent, so far as respects Europeans. But this, sir, is an entire misconception of the whole subject. It has, however, prevailed somewhat extensively, both here and elsewhere, though it seems to me that the slightest consideration of the messages referred to would have corrected, or rather prevented, this flagrant error. Neither of these Presidents, the past nor the present, assumed to interfere with any existing rights of other nations upon this continent. Neither of them called in question their right to hold and improve the colonies they possessed, at their own pleasure. Such an assumption would have been equally obtrusive and ineffectual; and how the opinion could have prevailed that has been advanced, no one can tell; for, in the documents themselves, the true doctrine is cautiously guarded, and existing rights considered as unassailable. The object which these statesmen had in view was to prevent the recolonization of any portion of this hemisphere; to announce to the world, that when any of the colonies planted upon it escaped from European thralldom, they should not be again subjected to that comparatively humiliating condition. The Spanish colonies had shaken off the yoke of Spain, and had asserted their independence. The struggle had been going on some time, and it was apparent to all the world, except to the world of Spanish obstinacy, that, if not prevented by external force, it would terminate, as it has terminated, in their admission into the great family of nations. It was obvious that European complications might arise, in consequence of the necessities of Spain, and of her recklessness in pushing the contest, which might affect the fate of these countries. French or English assistance might be asked for; and rights conveyed which would induce these Powers to take part in the struggle, with a view to take part in the spoils that might result from it. This was the evil foreseen, and the declaration of this country was one of the remedies to avert it. On this, as upon many other occasions, we halted in our course, and did not come up to our own work. Such declarations as those referred to, when made by the head of a European nation, are made authoritatively, because he who pronounces them has the power to enforce them. They become settled maxims of policy, and other nations are aware that they cannot be interfered with, except at the hazard of war. But it is far different here. Great principles of conduct depend essentially upon public sentiment, and can only be enforced by the action of Congress. Public sentiment in this country has, I believe, with unusual unanimity, approved this principle; but Congress has never, by action or declaration, given it the sanction of its authority. It has rested, therefore, barren among our archives, only to bear fruit when the legislature of the country adopts it as its own. My honorable friend from Ohio, [Mr. ALLEN,] with that sagacity and energy which mark his political course, seeing this

state of things, and foreseeing its consequences, endeavored some two years since to draw the attention of Congress to this subject, and to procure its authoritative action. But he failed—not, however, from the want of those exertions which ought to have insured success; and we have come down to the present day with this great principle—recommended, indeed, but not asserted, by the only body which has the power to give effect to the assertion.

Mr. President, a few brief reflections will, I think, satisfy us that this measure is as just as it is important; and now, when we must discard or embrace it, it is our duty to examine the considerations which are connected with it. That law which regulates the intercommunication of nations is not rigid and stationary. It rests, indeed, upon certain fundamental principles of right and wrong; but many of its principles change with the changes of nations, and accommodate themselves to the progress of society and to the existing opinions of mankind. Illustrations of this principle are familiar to every reader of modern history. They are to be found in the questions which have been agitated about the Baltic; the Black sea; the right of England, claimed and exercised at one time, to control the navigation of what she called her narrow seas; about the equally absurd claim of Spain, which she actually enforced for many years, to prevent the vessels of other nations from sailing within the neighborhood of her American colonies; and about the right of the Pope to partition the new continent among the Powers of the old. I have not had time to advert to the historical authorities, but I am strongly impressed with the conviction, that when the Portuguese Government had been transferred to Brazil, and the permanent condition of the two countries became the subject of consideration in Europe, it was contended, and, I believe, admitted, that the two nations must be eventually separated, if the government remained in Brazil, as the principle could not be admitted that European nations might become the colonial establishments of the American Powers. This was assumed as a kind of family law belonging to the nations of that hemisphere, necessarily arising out of their condition.

When this continent was first settled, its true destiny seems never to have occurred even to the most sagacious statesman. The colonial establishments were formed and settled for the purpose of commerce and profit, and were held only for the benefit of the metropolitan governments. The memory of this condition of things survives in the word *plantations*, yet retained as the name of one of our States, and indicating the object of its early establishment; and, in the term *general court*, the appellation of the legislature of several members of the Confederacy, identical with the name of the directing power of large corporations in England—such as the East India Company and the Hudson's Bay Company—and which belonged to the corporations whose powers were transferred to New England, but without the slightest apparent conception of the true consequences that were to follow. This *utilitarian* principle is manifest in the whole course of English legislation, and of Executive administration, respecting these States, then colonies of that country. Why, sir, it has been said—rather I suppose in illustration and reproach,

than as a literal fact, but still true enough to a great extent—that even a horse-shoe nail could not, by law, be made in America, but must be manufactured in England. Every war in Europe was a war upon this continent. Governments, comparatively imbecile, like those of Spain and Portugal, and in the last stages of political decrepitude, owned and controlled half the world. Magnificent regions, destined by God to be inhabited by millions of human beings, penetrated by great arteries, divided by lofty mountains, where were embowed the riches of the earth—prairies and pampas, and forests, as boundless in extent as they might be rendered fertile in their productions—all these gifts of nature to man were locked up, rendered useless by the wretched policy or the little miserable intrigues of the courts of Madrid and of Lisbon.

Such was the condition of this continent, when we came upon the scene of political action as one of the independent Powers of the world. New interests then arose, and a new party to assert and protect them. With the change in our situation, came changes in our rights and duties. It was obvious that *many old things must pass away*. The first link in the chain of servile connection between Europe and America was broken. When the whole connection should be dissolved, became thenceforth only a question of time. For a while, however, we had too much to do with the present, to take any accurate survey of the future. Emerging from a terrible war, our first object was to repair its ravages, and recover from its material effects. We had then to consolidate our Government, and to accommodate our institutions, State and general, to the new circumstances of our position; and while we were doing this, that tremendous storm arose in Europe, which swept over the Old World, and, during its progress, involved all the nations of the earth, directly or indirectly, either in its operation or its effects. Until this passed away, the Government of the United States had no opportunity to investigate and assert the new principles arising out of their independence and their connection with the other communities of the American continent. But the revolution of the Spanish colonies gave them this opportunity; and their increased power gave to the Executive—if it did not give to Congress—the confidence necessary for decisive action. There was an American interest upon this hemisphere, separate from the European interest. The Powers inhabiting it, besides their more general relation with the nations of the earth, had a policy more peculiarly their own. The questions leading to war in Europe were almost as endless as many of them were futile. They were wars of succession, of interest, of aggrandizement, of resentment, and of almost every other passion which sways the human breast. Minions and favorites and mistresses acted upon imbecile sovereigns and corrupt cabinets, and the peace of the world was sacrificed to the most despicable motives. It would really appear in some of the wars of modern times as though power were sometimes placed in unworthy hands, to show how far human forbearance can be carried, and the dignity of human nature degraded. We desired to live out of the sphere of such operations, and we could not do so if they were brought into close contact with us. Political propagandism has no place in our policy. We prefer our own form of

government; from a conviction that it is best calculated to promote our happiness; and we rejoice when other nations are willing and prepared to adopt it, from an equal conviction that it will promote theirs. But with a determination to judge for ourselves, we leave to them the same right. Certainly it is interesting to us that the States of this continent should be republican as well as independent. We can assimilate more readily with them, and we believe their condition will be safer and more permanent. But whatever form of government they might choose to adopt, it was for their interest and ours that they should advance in all the elements of improvement, moral and material; that their powers should be developed, and their own industry opened to the world, and that of the world to them. Connected with the uncertain and ever-changing fate of European sovereigns, their condition would not only be precarious, continually exposed to war, but the sources of their prosperity would be locked up, as the miser locks up his treasures, which he will neither use himself nor suffer to be used by others. The honorable Senator from Connecticut has put to us the *argumentum ad hominem*, and has said that we are inconsistent in our principles, because we do not interfere with France and England in their operations in the La Plata. Certainly the war which has been waging there is one of the most unjust in modern times; but still it is an open, public-avowed war—not, it is said, for the purposes of aggrandizement, but with the professed view to terminate the hostilities which had long been going on between the independent States on that river. The honorable gentleman, as I before said, has misconceived the nature of the principle. We do not deny the right of the Powers of Europe to go to war with the American States, when they have cause to do so; and of this they must judge for themselves. When these wars, however, are undertaken for the purpose of recolonizing any portion of this continent, or when that consequence is obviously to flow from them, then will come the time to test the true principles of our action.

Beside these considerations, arising out of the material and intellectual progress of the American States, there was another more immediately affecting us, and which we could not neglect. One of these States, and the most important among them, was coterminous with us along the whole extent of our southern frontier. Any convulsion, internal or external, affecting her, could not fail to engage our attention, as it could not fail to affect our interest. Continually attached to a European sovereignty, she would be continually exposed to the vicissitudes which such a state of things must necessarily bring with it; and war upon the ocean and the land would expose our borders to ever-renewing dangers. And she, too, is intimately connected by position and character with the States south of her, and their dangers would be hers.

But it is objected, that this principle is at war with the salutary rule of non-intervention laid down by Mr. Jefferson, and now regarded as one of the received maxims of our policy. Sir, this is not so. These declarations on the subject of European recolonization are not for the purpose of interfering with other Powers, but to prevent other Powers from interfering with us. No man will carry this doctrine of non-intervention so far as to say that

it prohibits us from preventing the action, united or single, of other nations, who seek the adoption of measures affecting our interest and safety. If a league were forming among the great Powers of Europe, which, under whatever pretence, was seeking the establishment of a principle which would give to England the control of the commerce of the world, must we sit still and calmly await its consummation, because, if we do not, we shall *interfere* in the affairs of other nations? and then, when the time of trial comes, be compelled to resist by arms, when a firm interposition and declaration of our resolution during the progress of the diplomatic measures might have thwarted the objects of ambition, disguised under the pretence of philanthropy? Thus to interfere is no improper intervention, but a high dictate of duty, demanded by the true principles of public safety.

We desire no union of the American States; no league to involve us in their difficulties, or they in ours; no Panama mission to open a grand negotiation, and to open likewise a career of complicated diplomatic relations, as difficult to define in their principles as to control in their practical operations. We desire the most perfect independence for all of them, and the most amicable relations among themselves and with us. But we are determined, so far as depends on us, that no European family principles shall come to find an abiding place upon this continent, and to involve in wars, that do not interest them, the various States which occupy it.

And, thanks to this "wretched," and "miserable," and "unjust," and "rash and precipitate war," our voice will now be heard and heeded through the world. Yes, sir, that war, thus characterized, has shed a flood of glory upon this country which will irradiate its history for generations yet to come. Its cost! its cost! is daily dinned into our ears, as though there were nothing to be regarded but money in the conduct and character of nations. It has cost much money—I do not deny it; though I believe it has been prosecuted with as much economy as is practicable in such distant and extensive operations. I regret the cost, as I regret the necessity of the war which led to it. But should we never get one foot of territory from Mexico as an indemnity—and appearances seem now to indicate that infatuated councils may prevail in that unhappy country, and that we may be compelled to hold on to the whole—but if we should never get one foot, as an American citizen, loving my country, and having cause to love her, I would not sell my share of the glory we have acquired for many times my share of the expense it has cost. It is not mere glory which this war has brought us, though that is one of the essential elements of national power; but it is character, and distinction, and position, and beyond these strength and safety. Our territory is henceforth holy ground. No hostile foot will pollute it. No foreign power will attack us. No other war, I verily believe, will be necessary for long years to come. Paradoxical as it may appear, we shall have fought ourselves out of war. We were comparatively unknown. Our flag, indeed, was everywhere the emblem and the evidence of our commercial activity and enterprise. But our power to defend it was little understood—I might rather say utterly disregarded. But the great experiment has been made, and we take our acknowledged rank among the

powerful nations of the earth. The decree has gone forth, and he who runs may read it. The entire political separation of this continent from Europe is not a question of fact, but of time. That event must come, and appearances augur that it will come speedily. We may well leave it to its own fullness of time without any improper interference on our part.

But we are now called upon to make a practical application of the great principle I have been considering. The condition of Yucatan, and the considerations connected with it, bring this subject directly before us. We can enforce the doctrine; but we cannot enforce it without discharging the duties which it brings with it. And if we do not enforce it, we shall expose ourselves to eternal self-reproach and to the contumely of the world.

I have already briefly alluded to the condition of Yucatan. Its civilized population is placed, not between the ocean and the frowning battlements which drive it back, and where no human being can live, but between the ocean and ruthless barbarians, possessing as little mercy as the sea into which they are driving their wretched victims. It is one of those great cases in human affairs which override all other considerations. Yucatan has a right to go where she can, with her sovereignty in her hand, and demand protection from the Powers of the earth, and offer her own allegiance in return for it. She has gone to England and to Spain, and she has come to us. She prefers our action to theirs; but if she cannot get the one, she must accept the other. As to Spain, any effective aid or any design of aggrandizement is probably equally out of the question, and we have England alone to look to in the solution of the question presented to us. If we do not act, will she render the assistance demanded, and accept the consideration which may accompany it? That she may do so, without giving us any just cause of offence whatever, and thus accomplish her mission without being involved in any controversy with us, is too clear to be called in question. Interest, therefore, and humanity, as well as the principles which from all time have regulated her political conduct, prompt her to accede to the demands of the Government of Yucatan. The distinguished Senator from South Carolina [Mr. CALHOUN] thinks she will not; but, whether he comes to this conclusion from the facts in her past history or from the circumstances of her present position, it seems to me it is erroneous and unsafe.

I shall not enter into any review of the system of English acquisition. I shall briefly allude to the subject, not in the spirit of censure—though, indeed, there is too often reason enough for that feeling—but merely to recall the principles of her policy, and to judge what she will do by what she has done. The distinguished Senator from Kentucky [Mr. CRITTENDEN] asks, and with some emphasis, *what England wants of such a barren country as Yucatan?* I ask him, in return, what she wants of such barren rocks as Gibraltar, and St. Helena, and Aden, and all the other barren rocks, and islets, and positions, which she has seized and now occupies through the world? Why, sir, they are towers—some of them watch-towers, and others towers of safety—upon that wall of circumvallation, thus beautifully designated the other day by the honorable Senator from Missis-

issippi, [Mr. DAVIS,] with which she has surrounded the world.

Mr. CRITTENDEN. Will the honorable Senator allow me to make an inquiry?

Mr. CASS. Certainly.

Mr. CRITTENDEN. Will the Senator be pleased to tell me—for I am uninformed and ignorant upon this point—how near a man-of-war or seventy-four gun ship can approach the promontory of Yucatan?

Mr. CASS. I intended to advert to the subject connected with the inquiry of the honorable Senator in another part of my remarks; but I will now anticipate it. The application of steam power to armed vessels has introduced an improvement which may occasion an entire change in naval warfare. It is difficult to foresee its consequences, or the effect it may hereafter produce. One thing, however, is certain, that armed steam vessels, of a size and draught suitable to the navigation they are designed to encounter, will take a decisive part in naval operations. Depôts for fuel become, therefore, of paramount necessity for commercial nations. Without them, their steam navigation will be circumscribed and inefficient. With them, to furnish the supplies required to vessels as they call for them, the world may be circumnavigated, and steam power everywhere used. Now, sir, we have no places of deposit anywhere but at home, and England has them everywhere. She has selected her positions for that purpose with that foresight which marks her character; and she will keep them at all times supplied with abundance of necessary fuel. The advantages she will derive from this system of policy are sufficiently obvious; and we must depend upon our energy to meet them as we best can when the proper time comes. Now, sir, if England possesses the promontory of Yucatan and the island of Cuba, she will build steam vessels suitable to the harbors which may be found there: vessels of a light draught of water, but carrying a few heavy guns, and capable of commanding the outlet of the Gulf—floating batteries, in fact, almost equal in efficiency to permanent batteries, ready to be stationed in the narrow channel, and completely to command it.

Mr. CRITTENDEN. The honorable gentleman has not answered my question. Again I would inquire whether there is any port in Yucatan into which a seventy-four can enter?

Mr. CASS. I am aware, sir, that the water in the neighborhood of Yucatan is shallow, and there are places where large vessels cannot approach within some miles of the land. But I repeat, that this consideration becomes comparatively unimportant when we look to the nature of the vessels which will be employed, and upon the protection they will find even upon a shallow coast.

Mr. CRITTENDEN. Again I ask the honorable Senator, how near a seventy-four gun ship can approach the promontory of Yucatan?

Mr. CASS. Mr. President, I cannot give a direct and professional answer to the question of the honorable Senator. Our maps of Yucatan are imperfect; and how near ships-of-the-line can approach its coast, I do not know. But I beg the Senator to recollect that no Government in its senses, possessing the point of Yucatan and the opposite point of Cuba, would employ heavy ships-of-the-line permanently to command the channel

between them. It would employ steam vessels of light draught, but of great power, which might find protection in the various inlets to be found there. In looking at the eastern point of the promontory of Yucatan, it will be seen that the island of Cosamel stretches along it for some miles, with a considerable channel between the island and the main, which has probably a depth of water for vessels of a medium burden, and which would afford them adequate protection.

[Since this colloquy, an official copy of a recent British survey of the coast of the promontory has been received at the office of the Coast Survey, in this city, and Lieutenant Porter has been good enough to furnish me with the following memoranda from it, which answer the inquiries of the Senator from Kentucky, and place in a stronger light than I had even anticipated, the value of the points of Yucatan and Cuba:

"There is a fine harbor for any size vessels under the island of Muheres, the easternmost point of Yucatan; and it is protected from the winds in every direction."

"Both the harbors of Ascension and Spiritu bay are good; the latter capable of holding a large fleet of the heaviest kind of English frigates and war-steamer. These positions may be made to command the outlet of the Gulf."

"There is good anchorage off the northeast point of the island of Cosamel; this island appears on incorrect charts as 'False Cape,' but there is no such place."

"Spiritu bay would contain a hundred steamers of the largest class, and any number of the smaller class."

"There is also fine anchorage at the northwest point of the island of Cuba for any size vessel—6½ to 7 fathoms."

The territorial acquisitions which England has made through the world, have been selected with great sagacity; some for the purposes of power and commerce, and others as positions where her vessels can find protection and be refitted, and where supplies for their necessities can always be found. She holds the southern points of four continents, and entire possession of the fifth. The whole commerce of the world passes before her gates. The Falkland Islands, near Cape Horn, give her the command of the passage round our hemisphere. The Cape of Good Hope gives her an equal control of the navigation of Southern Africa. Aden is the key to the Red Sea. The southern points of Asia, Cape Comorin, on the east side of the bay of Bengal, and the Malacca cape, on the west, are commanded; the former by Ceylon, and the latter by Singapore; and to these she has recently added a part of Borneo and Labuan, in the Indian Archipelago. New Holland, in the great Southern Pacific Ocean, is one of her colonial dependencies, and its harbors are essential to the navigation of that region. Hong-Kong is her foothold upon the Chinese empire, equally available for the purposes of commerce now, and of ambition hereafter. The rock of Gibraltar, which frowns over the entrance into the Mediterranean, is at the southern extremity of Europe, and has been held by her for a century and a half, to control its commerce, and is among the last positions from which she will retreat.

So much for the policy of England as deduced from her conduct. If the distinguished Senator from South Carolina draws his conclusion that she will not interfere in the concerns of Yucatan from the circumstances of her present position, I think his views are quite as unsafe as if it were drawn from her established system of action. Certainly there is much in her existing condition to excite her own solicitude, and the attention of the

world. The honorable Senator from Connecticut thinks she has reached, as he says, her culminating point. Perhaps she has; but I shall not venture to speak dogmatically upon that question. I leave to a rasher or to a wiser man than I am, to pronounce what is to be her future fate. I sincerely hope that the political convulsions which seem now to be shaking the frame of the English Government, if not of English society, may pass away, leaving the principles of freedom and equality perfectly established, and those exclusive privileges which elevate the hundreds and press down the millions forever abolished. To free England from many of the arbitrary tendencies which prevail there, would be to do more for human liberty than almost any other political measure now to be attained. She is yet the stronghold of many principles at war with human happiness; and if she surrendered to the advancing spirit of the age, the example would exert a most salutary effect upon the other nations of Europe. But however this may be, sir, England is not to be annihilated, nor her spirit, nor intelligence, nor energy destroyed. She will have a government, be it monarchical or republican; and she is not going suddenly to change the identity of her character—an identity which belongs as much to nations as to individuals—to relinquish all her projects of aggrandizement, and to abandon, without effort, the high position she holds in the world. Why, sir, republics are as jealous of their rights, and as firm in their determination to defend them, as the proudest monarchies. Every schoolboy can tell us of the bright days of Greece and Rome, when power was exercised by all, and when all were equally interested in the glory and prosperity of their common country. And we see the prevalence of the same spirit in modern times, when Venice, and Genoa, and Holland, almost governed in succession the commerce of the world, and when the French Republic marched over Europe, prostrating the ensigns of royalty in its victorious career. The nations of the old hemisphere will come out of their internal struggles fitted, I trust, to enjoy free institutions, and prepared to maintain them, and determined to be rivals henceforth—not in war, but in intelligence, in industry, and in productiveness.

In recalling the history of English territorial acquisition, I do not recollect one in the long list—except, perhaps, Scotland, which was joined to her, or rather which she joined by succession—which was not made by the sword. And is it probable she would reject one, if peacefully and voluntarily offered to her? When did she put aside, even with the affectation of coyness, the crown of territorial aggrandizement? When did she say *Nolo episcopatu*, with the mitre within her reach? And think you, sir, that she will commence her career of moderation, when the functions of conqueror and protector can be united without guilt and without reproach—when she can gratify at once her ambition and her philanthropy—and when the same act will elevate her character and extend her dominion? To believe all this, is to reject the lessons of experience and the motives of human conduct, whether personal or national. History, we are told, is philosophy teaching by example. If the examples of aggrandizement in the history of England, furnished by her conduct under ever-varying circumstances, and too

often with an utter disregard of the dictates of justice and the opinion of the world, do not teach us the philosophy of her past action, and the probability of her future, we may as well close the records of human experience, and abandon events to the doctrine of chances, seeking neither to control nor direct them. I think, sir, we might have safely arrived at the conclusion, even prior to this debate, that Yucatan would not apply to England for assistance in vain, unless there were controlling circumstances to forbid her interference. But, as if to rebuke us for any doubt upon the subject, since this discussion commenced, it has been ascertained that at least four companies of British troops have marched into the Yucatan territory from Balize. This is the act of the colonial authority; and the movement itself is not sufficient to excite any apprehensions as to ulterior designs. But it is one of the signs of the times, and shows pretty clearly that the colonial government expected support at home. What the several West India governments may do, is not known. If they follow the same course, a formidable force may be collected in Yucatan. Now, I do not undertake to say what the English Government will do under existing circumstances. Much may depend upon considerations, both external and internal, not to be appreciated here. The honorable Senator from Connecticut asks if we could complain, should England grant the assistance which we refuse? Certainly not, sir; and it is this very view of the matter which excites my solicitude. I have no belief that England, at this moment, when the waters around her are all troubled, would take possession of Yucatan by force. But, invited there by the Yucatese people, under a pressing emergency, she has a right to go there—and to remain there, too, if she will—as a proper consideration for her services.

I now come, Mr. President, to other, and perhaps graver considerations, directly or indirectly involved in this question. The Gulf of Mexico is the reservoir of the great river of the North American continent, whose importance it is as difficult to realize, as it is the value of the country which must seek an outlet to the ocean through its waters. That country is nearly equal to all Europe in extent, embracing twenty-five degrees of latitude and thirty-five of longitude upon the great circles of the globe. This vast basin extends from the summit of the Alleghany to the summit of the Rocky Mountains, and its population now equals eight millions. The man yet lives who was living when almost the first tree fell before the woodman's stroke in this great domain, and the man is now living who will live to see it contain one hundred millions of people. Already the hardy western pioneer has crossed the barrier of the Rocky Mountains, and the forest is giving way before human industry upon the very shores that look out upon China and Japan. The Mississippi is the great artery of this region; which, drawing its supplies from the fountains of the north, pours them into the ocean under a tropical sun, and drains, in its own course, and in the course of its mighty tributaries—tributaries in name, but equals and rivals in fact—the most magnificent empire which God, in his providence, has ever given to man to reclaim and enjoy. I have myself descended that great stream two thousand miles in a birch canoe, admi-

ring the country through which it passes in a state of nature, and lost in the contemplation of what that country is to be when subdued by human industry. The statistics of such a region in years to come is a subject too vast for calculation. Its extent, fertility, salubrity, means of internal navigation, and the character of the people who will inhabit it, baffle all efforts to estimate its productiveness, the tribute which its industry will pay to the wants of the world, and the supplies which the comfort and habits of its people may require.

During the palmy days of Napoleon, it is said, that one of his projects was to convert the Mediterranean into a French lake. England has nearly done what defied the power and ambition of the great conqueror. She has almost converted it into an English lake in time of war. Gibraltar commands its entrance, Malta the channel between Sicily and Africa, and the Ionian Islands the waters of the Levant. There were good reasons for believing, a short time since, that England was seeking to obtain a cession of the island of Crete, the ancient kingdom of Minos, which would give her the port of Canea, that I found one of the most magnificent harbors in the world, equally capacious and secure. If England, in the pursuit of the same system, should acquire similar commanding positions on the Gulf of Mexico, that great reservoir would become a *mare clausum*, and no keel would plough it, nor canvass whiten it in time of war, but by her permission. Now, sir, looking to the extent of our coast in that direction—to the productions which must pass there to seek a market—to the nature of our population—and to the effect upon all these, which a permanent naval superiority would produce—where is the American who is not prepared to adopt any measures to avert such a calamitous state of things? Who can fail to see the nature of the predatory warfare which England would carry on, in all times of hostilities, from her various positions, which would encircle the Gulf, from the Bahamas to Cuba and to Yucatan? and who also can fail to see that even in time of peace, her many harbors would become places of refuge for a certain class of our population, and that perpetual collisions would occur, involving the peace of the two countries?

The Gulf of Mexico, sir, must be practically an American lake for the great purpose of security—not to exclude other nations from its enjoyment, but to prevent any dominant Power, with foreign or remote interests, from controlling its navigation. It becomes us to look our difficulties in the face. Nothing is gained by blinking a great question. Prudent statesmen should survey it; and, as far as may be, provide for it. We have, indeed, no Mount Carmel, like that of Judea, nor prophet to ascend it and to warn us against a coming storm. But the home of every citizen is a Mount Carmel for us, whence he can survey the approaching cloud, even when no bigger than a man's hand, which threatens to overspread the political atmosphere, and to burst in danger upon his country. It should be a cardinal principle in our policy, never to be lost sight of, that the command of the Gulf of Mexico must never pass into foreign hands. Its great geographical features indicate at once our safety and our danger. From the southern point of Florida to Yucatan, the chord of the arc does not probably exceed two hundred and fifty miles—

a shorter distance than that from Yucatan to Vera Cruz. From the southern point of Florida to Cuba, it is not more than forty miles; and from the western extremity of Cuba to the peninsula of Yucatan, it is not more than sixty miles. These two outlets—the latter into the Caribbean sea, and the former into the Atlantic Ocean—do not, therefore, exceed one hundred miles in their united width, and together make the exit and entrance of the Gulf. Opposite the mouth of the Mississippi, is the noble harbor of Havana, almost within sight of which the whole commerce of the Gulf passes. England has already got the Bahama Islands, with the port of Nassau, and other positions. So long as Cuba and Yucatan are held by their present possessors, neither we nor the commercial world have anything to fear from English projects, whatever they may be. But let their dominion be transferred to England, and where are we? The mouth of our great river might at any time be hermetically sealed, and the most disastrous injuries inflicted upon us. One important step in the command of the outlet of the Gulf of Mexico she has already taken by the possession of the Bahamas. If she gets peaceable possession of Yucatan, by our remissness, she will have taken the second. Cuba may be the last. I will ask the distinguished Senator from South Carolina if he would advocate the interference of this country by force, if England were attempting by force to take possession of Yucatan? And if he would—as I believe he would—how can he consent to permit her to do peacefully what we may peacefully prevent? I have already, sir, alluded to the effects which steam navigation is to produce upon the commercial and military marine of the world; and the various harbors and inlets of these possessions would be rendezvous whence armed steam-vessels would issue to prey upon our commerce, to close the great channels of communication, or to carry on marauding expeditions against our coast. England has recently extended her possessions south of Belize by the acquisition of Indian territory. The honorable Senator from New York [Mr. Dix] brought this subject before us some time since, and exposed the details of her tortuous policy. The Mosquito king, as he is called—the chief of a tribe of Indians occupying a portion of the coast—some how or other passed under English pupilage. It is said that he made the Queen his residuary legatee, and thus the country and its inhabitants have gone to increase the dominion of England. A cheap mode, this, of acquisition—much more economical than Indian councils, Indian presents, and Indian annuities.

Mr. President, many of the great principles of national action depend on existing circumstances. There are few mere questions of abstract right in the intercourse of nations. Peaceable acquisitions of territory, or acquisitions in a just war, can give no offence unless to nations whose safety they endanger. Where this is the case, they may be protested against, or resisted, if necessary. It is a question which each nation must judge for itself, and upon its own responsibility, but one which it ought to judge fairly. Much of the public law of the world is founded upon this principle of safety, and the elementary works abound with its illustrations. Traces of it are to be found in all the questions about the balance of power in Europe; in the

disputes concerning Malta, and Algiers, and Belgium, and many other subjects which have engaged the attention of Governments and formed the labors of diplomatists. Its perversion has, no doubt, led to abuses, as has the perversion of many other principles; but its foundation rests in the nature of things. Self-defence is as incident to communities as to individuals, and a provident forecast requires us to watch any dangerous projects of domination, and to provide for them as we can. I repeat, that a nation under these circumstances must judge for itself. Proximity of situation, the nature of the intercourse resulting from it, commanding positions to do injury, and other considerations, are all elements to be taken into view. In my opinion, we owe it to ourselves to avow distinctly to the world, that the attempt to procure the transfer of Cuba from Spain to any other nation, whether peaceably or forcibly, would be resisted by the whole power of this country. To others, it may be a question of territorial aggrandizement, or of mercantile cupidity; but to us, it is a question of necessity, I had almost said, of political life or death. It would become the gate to close the great river of our country. The waters of that river, thereafter as heretofore, would reach the Gulf, but its commerce would never reach the ocean. The distinguished Senator from Kentucky says, that while we reproach the ambition of England, we go on acquiring, and asks where we shall stop. I do not know where we shall stop. That decree is probably not yet written. But we seek no acquisition which can injure England, and we desire, in turn, that she should seek none which will injure us.

The principles involved in this system of policy have already been asserted and acted upon by the United States. They will be found in the proceedings respecting Florida, in the acts of Congress of 15th January, 1811, of March 3, 1811, and of February 3, 1813. It was then declared that *the influence which the destiny of territory adjoining the United States may have upon their security, tranquillity, and commerce, is a just motive for interference*; "and that the United States cannot see any part of the territory pass into the hands of any foreign Power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said country."

I understand from one of our associates in this body, who is not likely to be deceived, that either in the biography of Mr. Jefferson, or in his correspondence, similar views are expressed by him respecting the condition and importance of Cuba, and the interest which the United States have in its ultimate fate. I have not had time to ascertain the fact by reference to the works referred to. If it is so, it is but one proof the more of the sagacity of that great patriot and statesman, and of the decision of character which marked his course through life. I have run my eye, however, over his correspondence on the subject of Florida, and I find the true doctrine enunciated and defended there, as distinctly as it is asserted in the acts of Congress I have quoted, and which received the sanction of his friend and successor, Mr. Madison.

I trust that the intrigues of no nation will ever compel us to take forcible possession of Cuba. But it seems to me that the more the subject is examined, both here and in Spain, the more obvious

it will be, that it is in the interest of both countries that the island should be ceded to us for a reasonable consideration. But the details of such a question are better fitted for diplomatic arrangement than for legislative discussion. I shall, therefore, not enter into them here, contenting myself with expressing the hope that the whole subject will not fail to engage the attention of every existing administration till a successful result is obtained. Such negotiations are delayed or hastened by the condition of things in Europe, and by events, which, though they cannot be foreseen, yet exert a decisive influence when they occur. And our Executive should be ready to give to these a proper direction.

Unfortunately for the stability of the Spanish monarchy, for almost a century and a half—since the death, indeed, of the last king of the house of Austria—Spain has been convulsed by questions of succession and by family difficulties, which have exhausted her power and almost ruined her prosperity. The vast empire acquired by the romantic but barbarous exploits of Cortez and Pizarro and Almagro, has fallen to pieces, and but a fragment of it remains—a sad memorial, as it were, of departed greatness. The jewels in her crown have been reft from it, and it has lost all its splendor. Looking at the present condition of Spain, there is no reason to hope that the difficulties immediately before her, are less grave than those she has passed through. Internal tranquillity seems yet far off, and external circumstances are equally unfavorable. The disposition of the few colonial dependencies she yet retains will come up for discussion every time she is involved in a domestic or a foreign war. The fate of the island of Cuba will be thus uncertain, to its own injury and to our danger.

Doubts have been expressed here as to the designs of England upon Cuba. Well, sir, we have no direct evidence upon that subject, nor can we expect to have it. England is wary in her negotiations; and they have often become known but by their consummation. But rumors—those precursors of coming diplomatic events—have prevailed for many years that she entertained this design, and they have been firmly believed both in Europe and in this country. It has been repeatedly said that she had demanded the island, either in absolute conveyance, or as a mortgage for the payment of the debts due to her people; and also to satisfy the claims she herself had for expenditures made on account of Spain in her great struggle with Napoleon. These rumors have been credited by our own Government; and, in 1840, during Mr. Van Buren's administration, Mr. Forsyth, who then presided over the Department of State, so honorably for himself, and so usefully for his country, called the whole subject to the attention of our diplomatic agent at Madrid. He stated the conviction that these efforts had more than once been made; and then bringing to the notice of our charge the great importance of Cuba to the United States, and to their indisposition to see it transferred to any other Power, he directed him to make proper representations to the court of Madrid upon the subject.

Mr. WESTCOTT here asked leave to interrupt Mr. Cass, and went on to make some remarks respecting a letter written by Mr. Calhoun, when Secretary of State, to Mr. King, then the Ameri-

can minister in Paris, which contained some allusion to slavery. Mr. W. also took the opportunity to express the opinion that England meditates the acquisition of Cuba and Yucatan, and among other reasons, in order to assail the domestic institutions of the South.

Mr. CALHOUN defended his letter, and said that he might add, with an honest pride, that it had contributed to produce a change of sentiment in England, which had diminished her attachment to abolition to such an extent that she is now attempting to resuscitate a trade very much like the slave trade, with a view to the restoration of the prosperity of her West India colonies.

Mr. CASS continued. More recently, sir—in deed, during the present session of Congress—a discussion arose in the British House of Commons, confirming all the rumors to which I have alluded, and which may well excite our apprehensions, and call upon us for decisive action. On the 4th of February last Lord George Bentinck, one of the principal statesmen of England, and the leader of the Tory party in the House of Commons, in a discussion on the slave trade, said: "He had read in the Times an extract from a United States paper, in which it was stated that 'if the United States did not possess herself of Cuba, Great Britain would; and that England had a greater claim by one hundred fold to Cuba than the United States had to Mexico, because a sum of £45,000,000 was due to British subjects, and Cuba was hypothecated for the debt, &c.' He would therefore say at once, let them take possession of Cuba, and settle the question altogether; let them distrain upon it for the just debt due—and too long in vain—from the Spanish Government." He added: "They would put an end to the slave trade if they could emancipate the slaves of Cuba." *Credat Judæus Appella*. Let him who will, believe that any motive of philanthropy enters into this system of policy. The cloven foot peeps out below, where the speaker says, "Then depend upon it, when Great Britain possessed the Havana, as once she did in 1762, when she held it for about a year, and then exchanged it for the Floridas, and when she could cut the trade of America in two, no more boasts would be heard of what the United States could do," &c. These are plain thoughts, sir, and plainly spoken, and spoken by a high man in a high place.

Mr. CALHOUN. The design was disavowed by the British minister.

Mr. CASS. I do not find it so, sir. What the British minister said was anything but a disavowal. Here it is—all he said upon this subject. The speaker is the Chancellor of the Exchequer, the organ of the British cabinet upon subjects of commerce: "Neither did he propose to follow his noble friend through his arguments in support of the proposition that we should foreclose upon Cuba, and take possession of that dependency as a lien for the benefit of the Spanish bondholders."

Mr. CALHOUN. There is somewhere a more direct disavowal.

Mr. CASS. I cannot find it, sir, and I think the Senator from South Carolina is in error. But it matters little whether it is so or not. Formal disavowals cost but little, and prove nothing.

Mr. CALHOUN. Lord George Bentinck is not

a member of the British Cabinet, nor is he at the head of the Tory party.

Mr. CASS. I know he is not in the Cabinet, sir; but he certainly leads the Tory interest in the House of Commons, and speaks the sentiments of a large portion of the English politicians. My object is to show that the acquisition of Cuba is one of the objects of British policy. And I certainly do show it, when I show that the project is distinctly avowed and recommended by a leading member of the House of Commons, exerting a powerful influence over one of the two great parties into which the country is divided, and who, in the mutation of English politics, may be Prime Minister to-morrow.

I do not know, sir, that any one proposes, under existing circumstances, to send forces to Yucatan with any design of holding permanent possession of the country. The President in his message openly disclaims any such view, and our proceedings here are based upon the same determination. We go there to aid the Yucatecos in this their day of extremity; not only in obedience to the dictates of humanity, but as a great measure of public policy, to prevent that region from falling into other hands. Our duty fulfilled, tranquillity restored, and the Government of the country placed in the exercise of its legitimate functions, we shall have discharged our trust, and can then retire with safety and with honor.

A great deal has been said here, sir, respecting the connection between Yucatan and Mexico, and of the difficulties which this connection places in the way of our action. I am not going to enter into the casuistry of politics upon this subject. It is no place for subtle distinctions—into the "sophisms and abstruse speculations" (to use the language of Mr. Sierra) by which equity and justice are mystified. The political bonds which have heretofore united those two countries, always sat loosely upon both; and he who forms his judgment of their connection by the principles of our own Confederation, will sacrifice truth to a false analogy. Yucatan was a sovereign State. It joined the Mexican confederacy, and became one of its members upon the terms prescribed in the act of union. How often those terms have been violated, and that union virtually dissolved, I do not stop to inquire. One-tenth part of the abuses perpetrated in the name of the Mexican Government, if perpetrated here, would long ago have rent this league asunder, and would have reduced it to its original elements. The State of Yucatan is now overrun by a domestic enemy. Protection is due to her from the Mexican confederation. It is one of the very cases for which she yielded up her sovereignty, and almost the principal one where the aid of the General Government can be needed. But that protection is not granted. Perhaps it cannot be; and perhaps it would not be, if it could. Be this as it may, the result to Yucatan is the same. She bartered her allegiance for protection. They must go together; and this principle is now everywhere acknowledged. The rights of the Mexican confederation are (if I may so speak) artificial, and the confederation itself destructible. But the rights of the States are permanent, and their sovereignties indestructible. Their governments are responsible for the safety and happiness of their people, and they must control the measures which are

necessary to secure them. In this case, the Government of Yucatan is endeavoring to fulfill its duty; and as they have a right to go anywhere for aid, so any one has a right to aid them, unless prevented by paramount considerations. If we were at peace with Mexico, as England and Spain are, we should have the same right which they have to render this assistance. The very extremity of the case creates its own principles. Does the existing war with Mexico limit our rights or control our duties in this respect? Certainly not, while the war is going on; for during that time we can carry on our operations wherever we please, and for what purpose we please, throughout the whole Mexican confederacy. But it has been objected, during the course of this discussion, by the Senator from Delaware, [MR. CLAYTON,] and the Senator from Kentucky, [MR. CRITTENDEN,] and the Senator from Maryland, [MR. JOHNSON,] that the existing war with Mexico interposes insuperable obstacles to our action. I think this opinion is founded in error, which a little reflection will remove. The object of an armistice is to keep two military parties within given positions, and to prohibit any operations or increase of force during its continuance—generally to give time for negotiating a peace. But the very basis of such an arrangement is, that no change take place within the limits of one party, which would render the situation of the other at the close of the armistice, should war be resumed, worse than at the commencement. They merely rest upon their arms till again called into action.

Now, sir, this fundamental principle is violated in the case of Yucatan; and whether, from the want of inclination, or the want of power in the Mexican Government to prevent it, is equally indifferent to us in the exercise of our rights. A war is raging within the Mexican line of the armistice, if Yucatan is a part of Mexico; and if it is not, this question is at an end; and this war may change the entire condition of that country, which to-morrow, by the termination of the armistice, we have a right to occupy. An enemy is advancing there, who is seizing the cities and towns, and may hold the fortifications, and whom, if let alone, we may find it difficult to dislodge. The authority of the power making the armistice is practically disavowed; and a party has come forward, who neither claims its rights nor acknowledges its obligations. Why, sir, if a French army were in Germany, and restrained in its operations by a temporary armistice, does any one suppose it would remain inactive, and suffer some other Power to interpose and take possession of the very State against which it was engaged in hostilities? If the Indians should approach San Luis, as they are now approaching Merida, must we remain inactive in the neighborhood, and see it taken or destroyed, and our means of further prosecuting the war vigorously thus essentially impaired? No, sir, an armistice brings duties as well as rights with it; and among these duties, the most important is to preserve the relative condition of the parties unchanged.

It has been also said, sir, that as a peace with Mexico would interfere with our action in this case, and might complicate our relations with that country, and as peace may speedily come, we ought not, therefore, to interpose under existing circumstances.

I am not at all satisfied, sir, with this view of the case; because—

1. We do not propose to go to Yucatan for the purpose of conquest, but of protection; not to assail the Mexican Government, but to discharge its duties. Our action will be independent of the condition of peace or war, and consistent with the most amicable relations between us and Mexico. Our duties, therefore, will not cease the instant a peace is formed, but must continue till the Yucatec people are placed in safety. As soon as Mexico will put herself between them and their danger, with efficient means for action, we shall retire, and leave the governments to discharge their own duties.

2. We could not retire before, because we should find ourselves in conflict with independent savages—independent for the time being—and should have a right to finish it, or to see that it would be finished, and not precipitately to flee from it, leaving our object unaccomplished.

A good deal has been said here, sir, respecting the condition of the inhabitants of Yucatan, both civilized and savage. Our information upon the subject is not so precise as we could desire; still the great features of the two races, both natural and political, are sufficiently obvious. The white race has been assailed by the colored race, and the war, whatever may be the causes of its origin, has become a war of extermination. All the accounts from our own officers, as well as from other sources, public and private, speak of the assailing party as we should speak, under similar circumstances, of our Indians; and Commander Bigelow calls them "ruthless Indians." I have conversed with two intelligent officers, who are now here—Lieutenant Porter of the navy, and Lieutenant Slack of the marine corps—both of whom have been among these people, and both of whom represent them as inferior to our Indians, as well in intellect as in physical conformation. Certainly the description of them given by the honorable Senator from Connecticut, the result of his inquiries, agrees in its essential points with the characteristics of the red man of our own forest. That honorable Senator, however, spoke of them in connection with the workmen of Paris, whom he called the *blouses*, from the frocks which they wear, resembling the hunting-shirts of our western pioneers, and the frocks of the English ploughmen. But the Senator, if he meant to intimate, as I thought he did, that there were any points of resemblance between the French republicans and the Mexican Indians, except those common to the family of man, knew little of the former, and elevated the latter much higher in the scale of humanity than they now are, or, I am afraid, ever will be. I will not take upon myself the defence of the Parisian people. They do not need it; and their noble conduct during the recent convulsions in France is sufficient to redeem them from any aspersion.

[The extracts which follow were not read in the Senate, but they are inserted here in order that the true condition of things in Yucatan may be understood. They are taken from documents then just laid upon the table, but which have since been printed.]

I understand there is but one exception in the correspondence of our officers with the Government, from the general opinion of the low condition of

of "Lieutenant Hernden, a highly respectable young officer, who dates his report on the 16th March, 1848, after a very brief service on the station. He derived his information at Sisal, where Barbachano is more popular than Mendez. In transmitting his report, Commodore Perry, in his letter of the 15th March, does not express any concurrence in Lieutenant Hernden's speculations." Lieutenant Hernden was led to suppose that the Indians were induced to rise in consequence of some difficulties growing out of the removal of Barbachano from the government of Yucatan, and the substitution of Mendez in his place; that promises were made to them by the partisans of the latter, which were finally violated; and that some outrages were committed upon them, and some of them killed in the collection of a tax. All this, if so, would seem utterly insufficient to account for this great outbreak, and for the shocking cruelties which attend it. But there is reason to doubt the correctness of Lieutenant Hernden's information on this subject, as it is not corroborated by other accounts, and as he is obviously in error in some important particulars. He supposes "that the whole matter is a party quarrel," in which, however, he thinks those who originated it may be utterly overwhelmed by the elements they have put in agitation. He obviously underates the danger of the country, and says "that the people of Merida, Sisal, and its neighborhood, entertain much less fear of the Indians and their hostilities than those of Campeachy," &c.

He says also, "that a gentleman of intelligence, whom he encountered at Sisal, spoke with great confidence of the ability of the whites to resist the Indians, and seemed very confident and much at his ease."

"In further confirmation of my opinion," he adds, "that this is not a war of class, another gentleman of the country, of good standing, Don Simeon Peon, who is the owner of several haciendas in the interior, stated that the Indians in his employment had asked for arms, for the purpose of defending his property." Lieutenant Hernden, it appears, was in Sisal but about a day; a time entirely too short to ascertain the true condition of the country. Subsequent accounts prove that his opinion respecting the progress of the Indians is entirely erroneous. Barbachano has taken the place of Mendez, but this political change has been followed by no favorable change in the war. The correspondence with Commodore Perry comes down to the 15th of April; and between that day and Lieutenant Hernden's speculations, affairs had grown worse and worse.

The consul at Campeachy says, on the 22d of March, "that the Indians are gaining strength every day."

Lieutenant Mason, under the same date, says, "the Indians are gradually and successfully taking the country. They are now about a hundred miles from Merida, in large force. Merida, Sisal, and Campeachy will finally be taken."

Commander Bigelow, on the 25th March, reports that "things are daily getting worse in Yucatan."

Lieutenant Mason on the 7th of April reports: "In my conversation with the ex-Governor Mendez, of Yucatan, he informs me that it is impossible for the whites to resist the Indians, who are

'destroying every town, village, &c., killing men, women, and children. The Indians now muster about sixty thousand, and are divided into four columns.'

The same officer reports on the 18th of March, "My opinion, from information that I can collect, is, that unless Yucatan can get troops, &c., from some foreign Power, she is lost, and that within a few months."

Lieutenant Glasson, in a letter dated April 2, says: "That at Selam, about 120 miles to the eastward of Campeachy, he boarded a small vessel crowded with persons flying to the island of Cosamel, where there was an English settlement,* for an asylum." Lieutenant Glasson landed at the town of Selam, and found there a large number of persons from the city of Valladolid, who had fled at the capture of it by the Indians. He conveyed 121 of them in his vessel to Campeachy. He also reports "that the Indians were within seven or eight leagues of Selam, and that they destroy every habitation, and put to death all whom they meet. The accounts of those whom I brought here give a most heart-rending description of the unfortunate condition of the country. Something must be done, either by us or some other Power, or the whole country must fall into the hands of the Indians." Commodore Perry, on the 13th of March, in urging the necessity of assistance, says that the whites have lost all hope of checking the advance of the Indians; and that the statements set forth in the papers transmitted by him are not in the least exaggerated; and that unless assistance is received, the whole country will be laid waste, and the numerous towns and villages of the interior destroyed. The Commodore also says, in a letter of the 15th of April, that "the Indians were still gaining ground; and the whites, without attempting the least defence, continued to fly towards the coast." And the very latest news from Yucatan, given us through the means of the public journals, fully confirms all these statements and anticipations. "At the last account, (says the most recent arrival,) the Indians were within one day's march of Campeachy, in vast numbers, and with no abatement of their design of a general massacre of their opponents. Their war-cry was 'Death to both black and white—man, woman, and child—all save the red man.' They claim to be 250,000 strong, and say the country rightfully belongs to them, and they will possess it, and insure possession by the massacre of all their opponents."

These descriptions, sir, are terribly graphic; and they make known to us as well the awful condition of the country as the characteristic features of the race which is producing it. It is very probable, sir, that these Indians may have been oppressed. Such, indeed, is, perhaps, the inevitable consequence of the effect of power exercised by a civilized caste over a savage one. We read this truth in our own history, and we feel it in our own days. We are not guiltless with respect to the Indians, who have fled for generations, and are still fleeing, before our advancing settlements, and to whom there seems no rest but the grave. And the reproach made by the honorable Senator from Ken-

* This fact is new here; an actual permanent British establishment on the coast of Yucatan, near the point, and capable of commanding the outlets of the Gulf.

the Yucatec Indians. That exception is the case tucky against the Spanish race in Yucatan, that they have not improved the condition of the Indians, is as applicable to us as to them. Our attempts at civilization have been almost utter failures. Whether these failures have originated in the inherent difficulties of the subject or in injudicious efforts, it would be difficult to decide with certainty. There are great obstacles to improvement in the fixed habits of the Indians. They change almost as little as the nomadic Arabs, who are essentially now what they were in the days of Abraham. There are but two occupations becoming an adult male Indian, and these are fighting and hunting. He may go to war to acquire glory, and he may go to the chase to procure meat and furs. But he must not work; if he does, he is dishonored; and all the labor is thus thrown upon the women, whose condition is equally harsh and servile. This was originally a fundamental provision of Indian society, and it was too agreeable to the stronger party to be easily surrendered. It has certainly given way very much to circumstances, but it still exerts a powerful influence upon the aboriginal race. But, whatever may have been the condition of the Yucatec Indians, whether attached to the haciendas as peons, or roaming through the forest, there can be no justification for their present conduct.

It is said, indeed, that they have a right to vote; and having been admitted to the enjoyment of political privileges, the war they are waging is a civil war looking to a change of government by a revolution. The constitution of Yucatan may have said they are fit to vote, while their own moral constitution may say they are not fit for it. A false philanthropy may have given them the political qualifications of citizens, while wholly destitute of the necessary intellectual qualifications. Their present conduct shows that they are utterly unprepared to exercise political power—as much so as our Indians, whose conduct they closely imitate in this war of extermination. The Yucatec Government, in this extension of the right of suffrage, have made an unhappy experiment, as they now find to their cost. Such high privileges are not to be tampered with. Here, thanks to our condition, the very broadest exercise of political rights is extended to all, for all may safely exercise them. Long habit and education have qualified our citizens to participate in all the powers of government, and this institution is the very cornerstone of our whole political fabric. This war in Yucatan is a war of races, not of parties—for physical existence, at least on one side, not for political power. The advancing savages, it appears, have elected a chief, as their ancestors probably did in remote times, and as many of our tribes do at the present day. Their cruelty stamps them with the true character of savages, and this consideration is enough to demand our interposition, without adverting to any other. Certainly, we are accustomed to associate a good deal of cruelty with civil wars, and especially with Spanish civil wars. But these contests do not sweep before them entire races, and utterly destroy whole countries; and, when fought for political rights, they cease immediately or gradually, with the attainment of their objects. But no such spectacle as this has been seen in the world since the catastrophe on St. Do-

mingo, which seems to have been the exact prototype of the events now going on in Yucatan. The white race is totally subdued, broken in spirit, and fleeing before their pursuers; still no mercy is shown, and the object is obviously extermination, and not political power.

In this state of things, we are urged to stop; to get information, as though we did not know all we could know, so far as the claims of humanity are concerned, and to examine and discuss all the casuistry of politics before we place ourselves between the barbarians and their victims. We might as well stop to investigate the cause of a destructive fire before we consented to aid in putting it out. And while we talk, other Powers may discharge the claims of humanity, and take possession of the country they protect.

We must recollect that it is the actual recognized Government of Yucatan which calls on the world for assistance, not to guard its power, but to secure the existence of its people. Let us discharge the conjoined duties of humanity and policy, and leave the internal questions between the two races to be adjusted after the one is saved from the vengeance of the other.

The honorable chairman of the Committee on Foreign Relations alluded to the reports which have reached us, that the Yucatec Indians have been furnished by the British agents at Belize with the arms which have enabled them to carry on this merciless warfare. The fact is distinctly intimated by Mr. Sierra, the commissioner of Yucatan; and, I understand, reported, if not credited, by some of our officers. It has been called in question here, and principally, I believe, from its very atrocity. The honorable chairman stated that the guns had the English Tower mark, and had, therefore, been manufactured for the Government; and he drew the conclusion—logically enough, I thought—that this circumstance furnished presumptive evidence of their distribution by British authorized agents. The honorable Senator from Mississippi, however, [Mr. DAVIS,] supposed that these guns might have been sold by the British Government at home, in consequence of their having been made before some of the recent improvements in fire-arms, and that they had thus found their way to the traders, and from them, in the usual course of traffic, to the Indians. This may be so, sir; for a similar disposition is sometimes made of arms become antiquated. But I am not aware that this has recently taken place; and I had supposed the old stock on hand had long since been exhausted. I am not well enough acquainted with the habits of these Indians, to tell you what kind of arms they use; but they must be very different in their habits from our Indians, if they prefer English muskets for hunting. And if they do not, I do not understand how these muskets could become articles of traffic at Belize, or why the traders should be furnished with supplies of them. I have, however, sir, seen such things in my time; and as they have occurred elsewhere, they may have occurred in Yucatan. I am not about to prefer a bill of indictment against England, as the honorable Senator from Connecticut thinks some of us are too prone to do. But I am not disposed to reject the lessons of history, because the truths it teaches may be harsh and unacceptable. I know that arms have been furnished to Indians within the United States by the agents

of the British Government, and by the directions of that Government; and I may thence draw the legitimate conclusion, that such an act is within its code of political ethics, and may be done when called for by political considerations. The measures to which I refer, took place when the distinguished Senator from South Carolina [Mr. CALHOUN] presided over the Department of War, and connected his name so permanently and so brilliantly with the history of its administration. He came to it, sir, when it was languid, exhausted by the exertions of a terrible war, and when it was comparatively without order or energy; and he left it in a high state of organization, prompt in its administration, economical in its expenditures, and with a pervading spirit controlling all its branches. I can wish his successors no more fortunate termination of their labors, than that they should retire from them with a reputation equal to his. Reports of the distribution of arms by the British authorities to the Indians in the United States were repeatedly made to him, and the matter became the subject of formal diplomatic representations to the British Government. I think the Senator from South Carolina must have a general recollection of the affair. (Here Mr. CALHOUN gave a sign of assent.)

For many years the various Indian tribes, as far as the Mississippi, and some of them west of that river, were annually invited to Fort Malden, at the mouth of the Detroit river, where large supplies of arms, of ammunition, and clothing, and of other articles of taste or comfort, agreeably to their habits, were distributed to them. I speak of years of peace. If I went back to years of war, I could tell another tale—a tale of human flesh—of American flesh—sold in the market like butchers' meat in the shambles. But I forbear. When, however, peace returned, and found large bodies of warlike savages filling that portion of our country, it found also that their attachments to England were kept alive by the subsidies given to them. Our whole frontier was held in a state of greater or less alarm, and all the outbreaks which took place among them could be traced to the ascendancy acquired over them by this system, and to the purposes to which it was directed. They came to the great English storehouse as regularly as the ox that knoweth his owner and the ass his master's crib; and they were fed from that crib, and many a deed of destruction was the consequence. After some years, however, and owing probably to the remonstrances of our Government, the depot was changed, and was established at Drummond's Island, in Lake Huron, then almost without the sphere of our observation. When, however, the Indians receded, and Drummond's Island passed under our jurisdiction, another change was made; and perhaps more changes since that time, for, owing to other occupations, I have lost sight of the subject for some years. I suppose, however, that much is not done now, as from the increase of our power, and the annihilation of the power of the Indians upon that frontier, England could hardly count upon their services during war, and would therefore feel little disposition to subsidize them during peace. So much for philanthropy.

I prefer sir, the bill reported by the chairman of the Committee on Foreign Affairs to the amendments proposed. I do so because, among

other reasons, I like to call things by their true names. The bill expresses clearly the objects we have in view, and the motives which influence us. And our operations under it may be continued till the conflict is terminated, or till the Mexican Government can interpose with sufficient vigor for the protection of the Yucatese people. And a peace with Mexico would not thus compel us to retire before the Indians at the very moment the exigency might be the most urgent.

Some objection has been made to the provision for the *armed occupation of the country*. I do not object, sir, either to the expression or to the power. If we go to Yucatan at all, we must go there not as subordinate allies, but with a right to control and direct all the operations we may deem necessary. Assuredly we could not think of placing our officers under the authority of the Yucatese Government, timid and incompetent as that Government has shown itself. And it ought to be distinctly understood, that wherever our forces move in Yucatan, during this period of convulsion, they move with a right to take any positions they may deem expedient, and to carry on all the operations which circumstances may require. I have not had an opportunity carefully to examine the amendments, having only heard them read, but they seem to indicate our proper course of action less satisfactory than the original bill itself.

Mr. President, great interests are committed to our keeping. We are not, we cannot be isolated. The eldest of the independent States upon this continent—and, I may say, without the charge of national partiality, the most advanced in civilization and improvement—our course and our example must exert a decisive influence for evil or for good, upon its future destiny. The honorable Senator from Connecticut alluded to an incident gratifying in itself, and illustrative of the progress of sound political opinions. He referred to a journal of Merida, the capital of Yucatan, which contained an article speculating upon the probability of our consenting to the annexation of that country, and warmly advocating the measure. This is a tribute rarely paid to the institutions of other nations, and as little as any other to the Government of England. Something has been said, and harshly said, of an emergency in this case, and something more of a crisis—of war, and of its cost and consequences. Well, sir, there are cases of emergency, both in the lives of communities and of individuals, which demand speedy and decisive action, and this is one of them—cases when promptness is wisdom, and when timid counsels are sure to bring dishonor, if not disaster. As to a crisis, the word has become so familiar to my ears, and the idea to my mind, that both have long since lost all their terrors. I have been upon the stage of action almost half a century, and during the fifty years which composed it we have had a crisis at least fifty times; some graver and some lighter, but each grave enough, in the opinion of the prophets of political evil, to destroy our Constitution, and with it the last hopes of liberty. But we have gone on increasing in numbers and improvement, and in all the elements of power and prosperity, with an accelerated pace before unknown in the history of the world. And at no period of our progress had we more reason to humble ourselves in thankfulness to Providence than at this very moment, when

many of the powerful governments of the world are falling around us; when society seems elsewhere almost in a state of dissolution; while our institutions are not only unassailed, but, to all human appearance, beyond the reach of assault; while our Government is growing stronger in the affections of the people, as time and experience multiply the proofs that it is best adapted to our condition, and that it brings with it as great a measure of political happiness as is probably compatible with human society. I concur fully in the opinion so well expressed by the Senator from Connecticut, and first advanced by Mr. Jefferson, that it is the strongest Government upon the face of the earth; the strongest for the purposes of good, and the weakest for the purposes of evil, because controlled by an intelligent people who watch and restrain it. This characteristic I have heard well illustrated by the honorable Senator from Ohio, [Mr. ALLEN,] in a manner peculiarly his own. Our Government, like the pyramid which stands upon its base, has a broad foundation, which cannot be shaken; while many another Government in the world stands upon its apex, and is liable to be overthrown by the slightest shock assailing it. Our Constitution is almost the only one where a revolution is impossible; because, if I may so say, it has nothing to revolve to. Fundamental alterations belong here to the ordinary power of the people, and may be made by

their will as readily as the slightest changes in our policy or legislation. I have yet to see the first man in this broad land who professes a desire to exchange this Government for another; and in the whole range of human experience, where can as much be elsewhere said with truth?

The state of the Old World, while it is in singular contrast with our own, excites the liveliest sensibility here. Its "throes and convulsions," to use the forcible expression of Mr. Jefferson, are portentous of radical changes. The arrival of every steam-packet is watched with anxiety, and its earliest news is sent instantaneously by the telegraph, almost to the verge of our Republic. And after all the gloomy vaticinations of the English Government, and country, and press, respecting the duration of our institutions, and the opinion, so often expressed, and I may say the hopes so long entertained by many, that they would soon pass away, and give place to a monarchical government, we exhibit to the world the unexampled, and I may say the sublime, spectacle of a people, looking across the ocean to Europe, watching the progress of the striking and stirring events which threaten to overturn all its established powers, and which may terminate in new combinations of society; while their own social and political systems were never more prosperous in themselves, nor ever dearer to the great people who protect them, and in turn are protected by them.

Saml Myers

SPEECH.

The question being on the amendment offered by Mr. STEPHENS, of Georgia, to the bill introduced by Mr. C. J. INGERSOLL, of Pennsylvania, to refund the fine of \$1,000 assessed upon General Jackson by Judge Hall in 1815—

Mr. DOUGLASS rose and said:

When this bill was introduced by the learned gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] I entertained the hope that it would be permitted to pass without discussion and without opposition. But the character of the amendment submitted by the gentleman from Georgia, [Mr. STEPHENS,] and the debate which has taken place upon it and the original bill, have been of such a nature as to justify and require the friends of the bill to go into a discussion of the whole subject. For one, I am not disposed to shrink from the investigation of any question connected with this subject; nor am I prepared to acquiesce silently in the correctness of the imputations cast upon the friends of this measure by gentlemen in the opposition. They have been pleased to stigmatize this act of justice to the distinguished patriot and hero as a humbug—a party trick—a political movement, intended to operate upon the next presidential election. These imputations are as unfounded as they are uncourteous; and I hurl them back, in the spirit which they deserve, upon any man who is capable of harboring—much less expressing—such a sentiment. It ill becomes gentlemen to profess to be the real friends of General Jackson, and the exclusive guardians of his fame, and to characterize our efforts as sinister and insincere,—while, in the same breath, they charge him with violating the Constitution and laws, and trampling with ruthless violence upon the judiciary of the country. They seem to act upon the principle that the most successful mode of blackening the character of a great and good man is to profess to be his friends, while making unfounded admissions against him, which, if true, would blurb his reputation forever. If these are to be taken as the kind offerings of friendship, well may the old hero pray God to deliver him from the hands of his friends, and leave him to take care of his enemies.

I insist that this bill has been brought forward and supported in good faith as an act of justice—strict, rigid, impartial justice to the American people, as well as their bravest defender. The country has an interest in the character of her public men; their unsullied fame gives brilliancy to her glory. The history of General Jackson is so inseparably connected with the history of his country, that the slightest blot upon the one would fix an indelible stain upon the other. Hence the duty, the high and patriotic duty, of the Representatives of the people, to efface every unjust stigma from the spotless character of that truly great man, and transmit

his name to posterity adorned with all the charms which the light of truth will impart to it.

The charge of exerting arbitrary power and lawless violence over courts, and Legislatures, and civil institutions, in derogation of the Constitution and laws, and without the sanction of rightful authority, have been so often made and reiterated for political effect, that doubtless many candid men have been disposed to repose faith in their correctness, without taking the pains to examine carefully the grounds upon which they rest. A question involving the right of the country to use the means necessary to its defence from foreign invasion, in times of imminent and impending danger, is too vitally important to be yielded without an inquiry into the nature and source of that fatal restriction which is to deprive a nation of the power of self-preservation. The proposition contended for by the opposition is, that the general in command, to whose protection are committed the country, and the lives, property, and liberties of the citizens within his district, may not declare martial law, when it is ascertained that its exercise, and it alone, can save all from total destruction. It is gravely contended that, in such an awful conjuncture of circumstances, the general must abandon all to the mercy of the enemy, because he is not authorized to elevate the military above the civil authorities; and that, too, when it is certain that nothing but the power of the military law can save the civil laws and the Constitution of the country from complete annihilation. If these are not the positions assumed by gentlemen in so many words, they are unquestionably the conclusion to which their positions necessarily and inevitably conduct us; for no man pretends to venture the assertion that the city of New Orleans could, by any human agency or effort, have been saved in any other manner than the declaration and enforcement of martial law. For one, I maintain that, in the exercise of this power, General Jackson did not violate the Constitution, nor assume to himself any authority which was not fully authorized and legalized by his position, his duty, and the unavoidable necessity of the case. Sir, I admit that the declaration of martial law is the exercise of a summary, arbitrary, and despotic power, like that of a judge punishing for contempt, without evidence, or trial, or jury, and without any other law than his own will, or any limit to the punishment but his own discretion. The power in the two cases is analogous; it rests upon the same principle, and is derivable from the same source—extreme necessity.

The gentleman from New York, [Mr. BARNARD,] in his legal argument to establish the right of Judge Hall to fine General Jackson one thousand dollars for contempt of court, without the forms of trial, has informed us that this power is not conferred by the common law, nor by statute, nor by any ex-

press provision of the Constitution; but is inherent in every judicial tribunal, and every legislative body. He has cited the decision of the Supreme Court of the United States in support of this doctrine; and I do not deem it necessary, for the purposes of this argument, to question its soundness. The ground upon which it is held that this extraordinary power is original and inherent in all courts and deliberative bodies, is, that it is necessary to enable them to perform the duties imposed upon them by the Constitution and laws. It is said that the divine and inalienable right of self-defence applies to courts and legislatures, to communities, and states, and nations, as well as individuals. The power, it is said, is coextensive with the duty; and, by virtue of this principle, each of these bodies is authorized not only to use the means essential to the performance of the duty, but also to exercise the powers necessary to remove all obstructions to the discharge of that duty. Let us apply these principles to the proceedings at New Orleans, and see to what results they will bring us.

General Jackson was the legally and constitutionally authorized agent of the Government and the country to defend that city and its adjacent territory. His duty, as prescribed by the Constitution and laws, as well as the instructions of the War Department, was to defend the city and country at every hazard. It was then conceded, and is now conceded on all sides, that nothing but martial law would enable him to perform that duty. If, then, his power was commensurate with his duty, and (to follow the language of the courts) he was authorized to use the means essential to its performance, and to exercise the powers necessary to remove all obstructions to its accomplishment,—he had a right to declare martial law, when it was ascertained and acknowledged that nothing but martial law would enable him to defend the city and the country. This principle has been recognised and acted upon by all civilized nations, and is familiar to those who are conversant with military history. It does not imply the right to suspend the laws and civil tribunals at pleasure. The right grows out of the necessity; and when the necessity fails, the right ceases. It may be absolute or qualified, general or partial, according to the exigencies of the case. The principle is, that the general may go so far, and no farther than is absolutely necessary to the defence of the city or district committed to his protection. To this extent General Jackson was justifiable; if he went beyond it, the law was against him. But in point of fact, he did not supersede the laws, nor molest the proceedings of the civil tribunals, any farther than they were calculated to obstruct the execution of his plans for the defence of the city. In all other respects, the laws prevailed, and were administered as in times of peace, until the Legislature of the State of Louisiana passed an act suspending them till the month of May, in consequence of the impending danger that threatened the city. There are exigencies in the history of nations as well as individuals, when necessity becomes the paramount law to which all other considerations must yield. It is that great, first law of nature, which authorizes a man to defend his life, his person, his wife and children, at all hazards, and by every means in his power. It is that law which authorizes this body to repel aggression and insult, and to protect itself in the exercise of its legislative functions; it is that law which enables courts to defend themselves and punish for con-

tempt. It was this same law which authorized General Jackson to defend New Orleans by resorting to the only means in his power which could accomplish the end. In such a crisis, necessity confers the authority, and defines its limits. If it becomes necessary to blow up a fort, it is right to do it; if it is necessary to sink a vessel, it is right to sink it; and if it is necessary to burn a city, it is right to burn it. I will not fatigue the committee with a detailed account of the occurrences of that period, and the circumstances surrounding the general, which rendered the danger immediate and impending, the necessity unavoidable, the duty imperative, and temporizing ruinous. That task has been performed with such felicity and fidelity by the gentleman from Louisiana, [Mr. SLIDELL,] as to make a recital of the facts entirely unnecessary. The enemy—composed of disciplined troops, exceeding our force four-fold in numbers—were in the immediate vicinity of the city, ready for the attack at any moment. Our own little flotilla already destroyed; the city filled with traitors, anxious to surrender; spies transmitting information daily and nightly between these traitors and the enemy's camp; the population mostly emigrants from the different European countries, speaking various languages, unknown to the general in command, which prevented any accurate information of the extent of the disaffection; the dread of a servile insurrection, stimulated by the proclamations and the promises of the enemy, of which the firing of the first gun was to be the signal;—these were some of the reasons which produced the conviction in the minds of all who were faithful to the country, and desirous to see it defended, that their only salvation depended upon the existence of martial law. The Governor, the judges, the public authorities generally, and all the citizens who espoused the American cause, came forward, and earnestly entreated General Jackson, for their sakes, to declare martial law, as the only means of maintaining the supremacy of the American laws and institutions over British authority within the limits of our own territory. General Jackson, concurring with them in opinion, promptly issued the order, and enforced it by the weight of his authority. The city was saved. The country was defended by a succession of the most brilliant military achievements that ever adorned the annals of this or any other country, in this or any other age. Martial law was continued no longer than the danger (and, consequently, the necessity) existed. At the time when Louallier was imprisoned, and Judge Hall was sent out of the city, official news of the signing of the treaty at Ghent had not been received; hostilities had not ceased; nor had the enemy retired. On the very day the writ of habeas corpus for Louallier was returnable, General Jackson received official instructions from the War Department to raise additional troops, and prepare for a vigorous prosecution of the war. Hearing a rumor, on the same day, that a treaty of peace had been signed, he sent a proposition to the British general for a cessation of hostilities until official intelligence should be received; which proposition was rejected by the English commander. It cannot be said, therefore, that the war had closed, or the necessity for martial law had ceased. All the considerations which induced its declaration, required its continuance. If it was right to declare it, it was right to enforce and continue it. At all events, Judge Hall and his eulogists are estopped from denying the power or the propriety of the declaration or the enforce-

ment of martial law. He advised, urged, and solicited General Jackson to declare it; and subsequently expressed his approbation of the act. Yes, even that learned, that profound, that immaculate judge, D. A. Hall, himself advised and approved of the proceeding. Did he not understand the Constitution and laws which it was his duty to administer? Or, understanding them, did he advise General Jackson to do an act in direct violation of that Constitution which he was sworn to support and protect? Conscientious judge! Advise a military officer, when in the discharge of a high and responsible duty, to violate the Constitution, and then arrest and punish him, without evidence or trial, for that very violation! Rare specimen of judicial integrity! Perfidiously advise the general, for the purpose of entrapping him into the commission of an unlawful act, that he might wreak his vengeance upon him according to the most approved forms of the Star chamber! I would like to hear from his most ardent admirers on this floor, upon that point. It is material to the formation of a correct judgment upon the merits of this question. One of two things is necessarily true in this matter: either he was guilty of the most infamous, damnable perjury; or he believed that General Jackson was acting within the scope of his rightful authority, for the defence of the country, its Constitution, and laws. In either event, his conduct was palpably and totally indefensible. Having advised the course which General Jackson pursued—even if he had changed his opinion as to the correctness of that advice, and the legality of the acts which had been committed in pursuance of it; and even if, under these circumstances, he had felt it his duty to vindicate the supremacy of the laws and the authority of his court, by inflicting the penalty of the law,—yet a mere nominal fine (one cent) would have accomplished that object as effectually as one thousand dollars. In this view, it was not a case requiring exemplary punishment. He did not doubt—he could not doubt—that the general had acted conscientiously, under a high sense of duty; and if he had exceeded his authority—if he had committed an error—it was an error into which he had been led by the advice of that very judge, whose duty it was to know the law, and advise correctly; and who afterwards, with the shameless perversity of his nature, enforced a vindictive penalty. I boldly assert that the judgment was vindictive; because the amount of the fine, under the circumstances of the case, is conclusive upon that point.

But if I should grant, for the sake of argument, (that which I do not admit,) that General Jackson exceeded his authority, and thereby violated the Constitution and laws, and that Judge Hall was clothed with competent power to punish the offence, still I am prepared to show that, even in that event, the judgment was unjust, irregular, and illegal.

The champions of Judge Hall on this floor have debated the question as if the mere declaration of martial law, of itself, was a contempt of court, without reference to the fact whether it actually interrupted and obstructed the proceedings of the court. Was there ever a more fatal and egregious error? Every unlawful act is not necessarily a contempt of court. A man may be guilty of every offence upon the whole catalogue of crime, and thus obtain for himself an unenviable immortality, without committing a contempt of court. The doctrine of contempts only applies to those acts which obstruct the proceedings of the court, and against

which the general laws of the land do not afford adequate protection. It is this same doctrine of necessity, conferring power, and at the same time restricting its exercise within the narrow limits of self-defence. The rights of the citizen, the liberties of the people of this country, are secured by that provision of the Constitution of the United States, which declares that "*the trial of all crimes, except in cases of impeachment, shall be by jury;*" and also the amendment to the Constitution, which requires "*a presentment or indictment of a grand jury.*" General Jackson, as well as the humblest citizen and the vilest criminal, was entitled to the benefit of these constitutional provisions. If he had violated the Constitution, and suspended the laws, and committed crimes, Judge Hall had no right to punish him by the summary process of the doctrine of contempts, without indictment, or jury, or evidence, or the forms of trial. It is incumbent upon those who defend and applaud the conduct of the judge, to point out the specific act done by General Jackson, which constituted a contempt of court. The mere declaration of martial law is not of that character. If it was improperly and unnecessarily declared, the general was liable to be tried by a court martial, according to the rules and articles of war, established by Congress for that purpose. It was a matter over which the civil tribunals had no jurisdiction, and with which they had no concern, unless some specific crime had been committed, or injury done; and not even then, until it was brought before them, according to the forms of law. Some specifications have been made in the speeches of gentlemen against General Jackson, which I will notice in their proper order.

The first is, the arrest and imprisonment of Louallier, on the charge of instigating treason and mutiny in the general's camp. It is immaterial, for the purposes of this discussion, whether he was actually guilty or not. He stood charged with the commission of high crimes, the punishment of which was death. He was believed to be guilty, and consequently there was probable cause for his arrest and commitment for trial, according to the doctrine of the courts. If permitted to go at large, he might have matured and executed his plans of mutiny and treason, by the aid of the British army, which was then hovering around the city. But supposing this arrest to have been contrary to law, as gentlemen contend: yet it was no contempt of court. If it was an offence at all, it was a case of false imprisonment, which was indictable before a grand jury, and triable by a petit jury. Why did they not proceed against General Jackson according to law, and give him a trial by a jury of his country, and obtain a verdict according to evidence? The answer is obvious: they could not procure a verdict of "guilty" from an honest and patriotic jury, who had fought in the defence of the city under the operation of that "terrible martial law," and who had witnessed the necessity for its declaration, and its glorious effects in the salvation of the country.

The next specification which gentlemen make against Gen. Jackson is, that he did not appear before Judge Hall in obedience to a writ of habeas corpus, issued by the judge for the liberation of Louallier, who was in confinement on a charge of mutiny and treason. A simple statement of the facts of this case will carry with it the general's justification. The evidence shows that the writ was issued on the fifth of the month, and made returnable on the sixth before Judge Hall, at eleven o'clock in the morn-

and that it was never served on Gen. Jackson, or shown to him, until the evening afterwards. Hence it was impossible for him to have complied with the injunctions of that writ, if he had desired to do so. The writ had spent its force; had expired; was *functus officio* before it reached Gen. Jackson. There was no command of the court remaining that could be obeyed; the time had elapsed. These facts were distinctly set forth by Gen. Jackson, under oath, in his answer to the rule of court requiring him to show cause why he should not be punished for contempt; and they have never been denied. In fact, there is an abundance of corroborative evidence to the same effect. From these facts, it is clear—first, that Gen. Jackson had committed no contempt of court; and, secondly, if he had, he fully purged himself of the alleged offence.

The next specification in the catalogue of crimes which gentlemen charge upon the hero of New Orleans, is, that he forcibly seized and retained possession of the writ, and the affidavit on which it was issued. The facts are, that when the writ and affidavit were brought to him for service, after the time for its return had elapsed, and it had become a nullity, he discovered that a material alteration had been made, in the handwriting of the judge; not only in the writ, but also in the affidavit, *without the consent* of the man who had sworn to it. These alterations of themselves rendered the papers void, even if they had been originally valid, and had not expired of their own limitation; but as they contained the evidence upon their face of the crime of forgery, it was important that General Jackson should retain possession of them, lest they should be destroyed, and the evidence lost.

With this view, the general did retain the originals, and furnish certified copies to the judge. These transactions did not occur in the presence of the judge, or his court, nor when his court was in session; and of course could not legally be punished by the summary process of contempt. If they were illegal, why not give the benefit of a fair trial by a jury of his country, as guaranteed by the Constitution and laws? No: this was arbitrarily and unjustly withheld from him; thereby denying him the privilege of proving his innocence.

The next, and the last, of these high crimes and misdemeanors imputed to Jackson at New Orleans, is that of arresting Judge Hall, and sending him beyond the limits of the city, with instructions not to return until peace was restored. The justification of this act is found in the necessity which required the declaration of martial law, and its continuance and enforcement, until the enemy should have left our shores, or the treaty of peace should have been ratified and published. The judge had confederated with Louallier and the rest of that band of conspirators who were attempting to defeat the efforts of the American general for the defence of the city. Their movements were dangerous; because they were protected by the power of the civil law, in the person of Judge Hall, by a perversion of the privileges of the writ of habeas corpus. The general was driven to an extremity, in which he was compelled either to abandon the city to whatever fate the conspirators might choose to consign it, or to resolutely maintain his authority by the exertion of his own power. He took the responsibility, and sent the judge beyond the lines of his camp. The question arises, was this act a contempt of court? The court was not in session; he did not interrupt its proceedings; he did not obstruct its process; but he did imprison

the man who had been exercising the powers of judge. If that imprisonment was unlawful, the general was liable to be indicted for false imprisonment; and, like any other offender, to be tried and condemned according to the forms of law. But the judge had no right to say, "vengeance is mine," and I will visit it upon the head of my enemy until the measure of my revenge is full. Now, sir, I have disposed of all the specifications of crime and oppression and tyranny which have been charged upon General Jackson by his enemies upon this floor, in connexion with his defence of New Orleans. I have endeavored to state the facts truly, and fairly apply the principles of law to them. I will thank the most learned and astute lawyer upon this floor to point out which one of those acts was a contempt of court, in the legal sense of that term, so as to authorize a summary infliction of punishment, without evidence, trial, or jury. No gentleman has yet specified the act, and explained wherein the contempt consisted; and I presume no one will venture upon so difficult a task. It is more prudent to deal in vague generalities, and high sounding declamation—first, about the horrors of arbitrary power and lawless violence; then the supremacy of the laws, and the glorious privileges of the writ of habeas corpus. These things sound very well, and are right in their proper place. I do not wish to extenuate the one, or depreciate the other. But when I hear gentlemen attempting to justify this unrighteous fine upon General Jackson, upon the ground of non-compliance with rules of court and mere technical formalities, I must confess that I cannot appreciate the force of the argument. In cases of war and desolation, in times of peril and disaster, we should look at the substance, not the shadow of things. I envy not the feelings of the man who can reason coolly and calmly about the force of precedents and the tendency of examples in the fury of the war-cry, when "booty and beauty" is the watchword. Talk not to me about rules and forms in court, when the enemy's cannon are pointed at the door, and the flames encircle the cupola! The man whose stoicism would enable him to philosophize coolly under these circumstances, would fiddle while the Capitol was burning, and laugh at the horror and anguish that surrounded him in the midst of the conflagration! I claim not the possession of these remarkable qualities. I concede them all to those who think that the saviour of New Orleans ought to be treated like a criminal for not possessing them in a higher degree. Their course in this debate has proved them worthy disciples of the doctrine they profess. Let them receive all the encomiums which such sentiments are calculated to inspire.

But, sir, for the purposes of General Jackson's justification, I care not whether his proceedings were legal or illegal, constitutional or unconstitutional, with or without precedent, *if they were necessary to the salvation of that city*. And I care as little whether he observed all the rules, and forms, and technicalities, which some gentlemen seem to consider the perfection of reason and the essence of wisdom. There was but one form necessary on that occasion, and that was, to point cannon and destroy the enemy.

The gentleman from New York, [Mr. BARNARD,] to whose speech I have had occasion to refer so frequently, has informed us that this bill is unprecedented. I have no doubt this remark is technically true, according to the most approved forms. I presume no case can be found on record, or traced by tradition, where a fine, imposed upon a general for

saving his country, at the peril of his life and reputation, has ever been refunded. Such a case would furnish a choice page in the history of any country. I grant that it is unprecedented; and for that reason we desire, on this day, to make a precedent, which shall command the admiration of the world, and be transmitted to future generations as an evidence that the people of this age, and in this country, were not unjust to their great benefactor. This bill is unprecedented, because no court ever before imposed a fine under the same circumstances. In this respect, Judge Hall himself stands unprecedented. The gentleman from Louisiana [Mr. Dawson] who addressed the committee the other day, told us that General Wilkinson declared martial-law at New Orleans, and enforced it, at the time of Burr's conspiracy. Where was Judge Hall then, that he did not vindicate the supremacy of the laws and the authority of his court? Why did he not then inflict the penalty of the law upon the perpetrator of such a gross infraction of the Constitution which he was sworn to defend and support? Perhaps his admirers here will tell us that he did not advise, and urge, and entreat General Wilkinson to declare martial-law. I believe that feature does distinguish the two cases, and gentlemen are entitled to all the merit they can derive from it. I am informed that, in one of those trying cases, during the last war, which required great energy and nerve, and self-sacrificing patriotism, General Gaines had the firmness to declare martial-law at Sackett's harbor; and when, after the danger had passed, he submitted himself to the civil authorities, he received the penalty of the law in the shape of a public dinner, instead of a vindictive punishment. I doubt not many other cases of a similar nature may be found, if any one will take the trouble of examining the history of our two wars with Great Britain.

But if the gentleman from New York intended to assert that it was unprecedented for Congress to remunerate military and naval commanders for fines, judgments, and damages, assessed against them by courts for violating the laws in the honest discharge of their public duties, I must be permitted to inform him that he has not examined the legislation of his country in that respect. If the gentleman will read the speech of the pure, noble, and lamented Linn, in the Senate, in May, 1842, he will there find a long list of cases in which laws of this kind have been passed. He said:

"There were precedents innumerable where officers have been found guilty of breaches of law in the discharge of their public duty, and, therefore, calling for the interference of a just government. Of these, it is only necessary to introduce a few where the Government did interpose and give relief to the injured officer. These cases commenced as early as August, 1790, and have continued down to the present time. Thus, in April, 1818, Major General Jacob Brown was indemnified for damages sustained under sentence of civil law, for having confined an individual found near his camp suspected of traitorous designs. At the same session, Captain Austin and Lieutenant Wells were indemnified against nine judgments, amounting to upwards of \$6,000, for having confined nine individuals suspected of treachery to the country. In this case, it was justly remarked by the Secretary of War (John C. Calhoun) that, 'if it should be determined that no law authorized the act, yet I would respectfully suggest that there may be cases in the exigencies of war, in which, if the commander should transcend

his legal power, Congress ought to protect him, and those who acted under him, from consequential damages.'"

"In the case of General Robert Swartwout, in 1823, the committee by whom it was reported, stated that 'it is considered one of those extreme cases of necessity in which an over-stepping of the established legal rules of society stands fully justified.'"

I will not occupy the time of the committee with further quotations, but will refer those who may wish to examine the subject to the speech itself, and the cases there cited. These cases fully sustain the position I have taken, and prove that the Government has repeatedly recognised and sanctioned the doctrine that, in cases of "extreme necessity, the commander is fully justified" in superseding the civil laws; and that Congress will always "make remuneration when they are satisfied he acted with the sole view of promoting the public interests confided to his command." The principle, deducible from all the cases, is, that when the necessity is extreme and unavoidable, the commander is fully justified; and when it is less imperative, he is excusable, provided he acted in good faith; and in either event, Congress will always make remuneration.

Then, sir, I trust I have shown to the satisfaction of all candid men, that, instead of this bill being unprecedented, the opposition—the fierce, bitter, vindictive opposition to its passage, is unprecedented in the annals of American legislation. Are gentlemen desirous of making General Jackson an exception to those principles of justice which have prevailed in all other cases? They mistake the character of the American people, if they suppose they can sever the cords which bind them to their great benefactor, by continued acts of wanton injustice and base ingratitude. Why this persevering resistance to the will of the people, which has been expressed in a manner too imperative and authoritative to be successfully resisted? The people demand this measure; and they will never be quieted until their wishes shall have been respected, and their will obeyed. They will ask—they will demand the reasons why General Jackson has been selected as the victim, and his case made an ignominious exception to the principles which have been adopted in all other cases, from the foundation of the Government until the present moment. Was there any thing in his conduct at New Orleans to justify this wide departure from the uniform practice of the Government, and single him out as an outlaw, who had forfeited all claim to the justice and protection of his country? Does the man live, who will have the hardihood to question his patriotism, his honesty, the purity of his motives in every act he performed, and every power he exercised on that trying occasion? While none dare impeach his motives, they tell us that he assumed almost unlimited power. I commend him for it; the exigency required it. I admire that elevation of soul which rises above all personal considerations, and, regardless of consequences, stakes life and honor and glory upon the issue, when the salvation of the country depends upon the result. I also admire that calmness, moderation, and submission to rightful authority, which should always prevail in times of peace and security. The conduct of Gen. Jackson furnished the most brilliant specimens of each that the world ever witnessed. I know not which I ought to applaud most—his acts of high responsibility and deeds of noble daring, in the midst

of peril and danger, or his mildness and moderation and lamb-like submission to the laws and civil authorities, when peace was restored to his country.

Can gentlemen see nothing to admire, nothing to commend, in the closing scene, when, fresh from the battle-field, the victorious general—the idol of his army and the acknowledged saviour of his countrymen—stood before Judge Hall, and quelled the tumult and the indignant murmurs of the multitude, by telling him that “the same arm which had defended the city from the ravages of a foreign enemy, should protect him in the discharge of his duty?” Is this the conduct of the lawless desperado, who delights in trampling upon Constitution, and law, and right? Is there no reverence for the supremacy of the laws and the civil institutions of the country

displayed on this occasion? If such acts of heroism and moderation, of chivalry and submission, have no charms to excite the admiration or soften the animosities of gentlemen in the opposition, I have no desire to see them vote for this bill. The character of the hero of New Orleans requires no endorsement from such a source. They wish to fix a mark—a stigma of reproach—upon his character, and send him to his grave branded as a criminal. His stern, inflexible adherence to Democratic principles, his unwavering devotion to his country, and his intrepid opposition to her enemies, have so long thwarted their unhallowed schemes of ambition and power, that they fear the potency of his name on earth, even after his spirit shall have ascended to heaven.

SPEECH.

On motion by Mr. EVANS, the Senate resumed the consideration of the resolution reported from the Finance Committee, for the indefinite postponement of the bill introduced by Mr. McDUFFIE for the reduction of the rate of duties under the present tariff to the standard of the compromise act.

Mr. BENTON then spoke as follows:

Mr. PRESIDENT: Our confederacy has existed above fifty years under our present form of government; and during every year of that time we have had tariff laws in operation, but with very different effect upon the public mind. During the first half of this time, there was universal satisfaction throughout the Union with these laws: during the second half of it, they have given great discontent to one half the Union. The period of satisfaction began with the beginning of the government, in the year 1789, and continued down to the end of the late war with Great Britain: the period of discontent began in the year 1816, and continues to the present day. A difference so great in its effect upon the public mind, implies a great difference in the character of these laws during the two periods, and naturally throws the mind back to the contemplation of this difference, and to the consideration of the causes which produced it.

The implication is not erroneous. The tariff laws of the two periods are, in fact, essentially different, and were framed with different views, and constitute opposite systems. The laws of the first period had revenue for their object, and the protection of home industry for their incident; the laws of the second period have protection for their object, and revenue for their incident. And the provisions of the acts under the two systems were framed accordingly: moderate duties, fairly assessed upon actual values and real quantities, characterized the legislation of the first period: high duties, fictitious valuations, and prohibitory minimums characterized the second.

The striking difference which we find in the legislation of the two periods is, *first*, in the amount of the duty imposed; and, *secondly*, in the mode of assessing or computing it. The amount of the duty is vastly increased during the second period, and the

mode of its computation is arbitrarily arranged to increase that amount. Before the war, the duties, whether specific or ad valorem—whether on the quantity or on the value—were moderate in amount, and fairly assessed on the actual value, or actual quantity: since the war the duties have often been exorbitant in amount, and then made more exorbitant in the collection, by calculating them, in some instances, on the arbitrary assumption of a fictitious minimum valuation.

The cause of this difference in the character of our tariff laws is found in the fact mentioned by the senator from South Carolina, [Mr. McDUFFIE.] Politicians and capitalists have seized upon the subject, and worked it for their own purpose—the former for political advancement—the latter for pecuniary profit. The tariff has become a question of politics and money—of partisan politics and sectional enrichment; and the result has been to fill the Union with the agitation and discontent which has afflicted it for twenty-five years.

The harmony of this Union, Mr. President, is something! It is a great and desirable object, as pleasant to contemplate as it is useful to enjoy. Who is there among us old enough to remember it, who does not recollect the harmonious days, so far as the tariff was concerned, which we enjoyed during the first twenty-five years of our national existence, when nobody knew we had a tariff but those who read the statutes? Who is there old enough to remember it, who does not regret the loss of the times when the word tariff was never pronounced, and when, in respect to these laws, the mass of our population was in the happy condition of Moliere's country gentleman, who had talked prose all his life without knowing it? I, for one, remember these times, and wish to return to them. I wish to return to the harmony and tranquillity, with respect to the tariff, which prevailed among us during the first half of our national existence; and, with that view, have been carefully studying the legislation of that period for the purpose of seeing what there was in it, if any thing, to prevent our returning to it, and enjoying again the tranquillity which it then produced. I

have studied that legislation, and studied it in all candor, with this view; and I am free to say that I see no difficulty in returning, not to the letter, but to the object and structure of these good old laws, and drawing from them again the same happy consequence which they formerly shed upon the Union.

I take it for certain that the act now in force is not to stand; that either at the present session, or after another general election, it will be essentially changed. It was not passed as a permanent act. Several of those who voted for it, and without whose votes it could not have passed, declared at the time that they took it as a temporary measure—as a measure which they disliked—but which they accepted for the time from motives of expediency. (Here Mr. WRIGHT, to whom Mr. B. looked, nodded assent.) I voted against it, and with the full conviction that I should soon vote upon it again, and under better auspices. Whether the auspicious time for this voting has arrived, I do not undertake to decide. Certainly the auspices are not all in our favor. The session of Congress before the holding of a presidential election is not the favorable session for beneficial legislation. A President without a party, two parties without a President—the Senate one way, the House of Representatives another way; the President free trade, and the cabinet mixed;—these elements, taken all together, compose a very heterogeneous mixture, and present an aspect not at all favorable to the enactment of wholesome laws, or the application of healing remedies to the disorders of the State. I even doubt whether a cool discretion would recommend any attempt to settle the tariff question at this session. I speak of settle, in contradistinction to discuss. I believe in the virtue of discussion—temperate, enlightened discussion—directed to the intelligence, and to the moral sense of the community; and, in that point of view, I am of opinion that the senator from South Carolina (Mr. McDUFFIE) has done well to bring on the present debate; but discussion is one thing, and settling the question is another. I do not think that the present is the time to settle the question. Besides our discordant and heterogeneous condition, so unfavorable to harmonious action; besides the danger of miscarriage from this source, there is another tribunal which has jurisdiction of the subject, and is now occupied with it, and whose decision will be paramount to ours. The question itself is now on trial before the great areopagus of the people! and must have its solution from that tribunal before we meet again. The presidential election involves the fate of the tariff, and to that fate a future Congress will have to conform, be our action now what it may. Now, as in the year 1832, the fate of the high tariff is staked in the person of its eminent champion—its candidate for the presidency of the United States. That champion was defeated then, and his system with him; and he may be defeated again. If he shall be, we shall settle the question with more harmony and equity, and with a better chance for stability than at the present time: if not, all that we may do now, may soon be reversed. Seeing this, and that all we do now, if we do anything, must be imperfect and provisional, I very much doubt the policy of attempting to settle the tariff question at the present session. I am in favor of discussion, but doubt the practicability, at this time, of judicious and stable legislation. This is my opinion, but others think otherwise; and I yield to their wishes. Discordant as all the departments of the government now are, and on the eve, as we are, of a presidential

election, I expect nothing perfect from our attempts at legislation on this subject. On the other hand, miscarriage and defeat, under such circumstances, will inspire me with no despair. I look forward to the next Congress to settle this question—to settle it according to the will of the people—and, accordingly, to settle it with some chance for that durability and permanency which is so essential to the successful prosecution of every branch of business.

The question is then presented: Shall we proceed to remodel the tariff act of 1842? I answer, yes!—saving to the House of Representatives its constitutional right over the initiation of revenue bills. I do not argue that question. I neither argue it, nor conceal my opinion upon it. I deem it sufficient, on the present occasion, to say that, in all cases of doubtful jurisdiction between the two Houses, my rule is to solve the doubt in favor of the House which, by the constitution, is charged with the general subject. Taxation and representation go together. The burdens of the people and the representation of the people are put together. The immediate and full representation of the people is in the House of Representatives, and to that House the constitution has confided the origination of all bills for raising revenue. Is the bill which is now before us a bill for raising revenue? I think it is. At all events it is a question of doubt: and in that case, I defer to the jurisdiction of the House which is charged with the general subject.

The proposition before us is, in terms, to restore the compromise act of 1833, but in substance to substitute revenue duties for protective duties. The author of the proposition [Mr. McDUFFIE] has spoken his sentiments upon it; and, from the tenor of all that he has said, I comprehend that he goes for revenue duties, without regard to their form—that he is not wedded to the horizontal line—the uniform ad valorem of 20 per centum upon all articles without regard to their character; but that he admits of discriminating duties, and of different rates of duty, according to the nature of the article.

[Mr. McDUFFIE nodded assent.]

This being the case, I flatter myself that we shall be of accord with respect to the remedy as well as in regard to the evil. I was not in favor of the compromise act when it passed; I am not in favor of attempting to revive it. It presents an issue which is wrong in itself, and upon which we cannot go to trial—that of one uniform rate of duty upon all articles without regard to their nature or character. I am for discriminating between articles of luxury and necessity, and for making luxuries pay highest. I am for discriminating between articles made at home, and not made at home; and placing the highest revenue duty upon the foreign rivals of our own productions. In a word, I am for going back to our old legislation on this subject—to the system before the war; not to the precise terms of any one of the acts, but to the principles and structure, the objects and the incidents of the whole. They were all modelled upon the same plan. All took revenue for their object; all admitted incidental protection; all discriminated between luxuries and necessities; and none of them admitted false assumptions of value by minimum valuations. They were all equally free from the abuse of minimum valuations on one hand, and the arbitrary levelling of the horizontal principle on the other. I am for returning to this system, with the single limitation that no duty, whether specific or ad valorem, shall exceed a maximum of 30, or 33 $\frac{1}{3}$ per centum. In returning to this ground,

or rather in remaining upon it, (for it has always been my doctrine,) I find myself standing upon the ground of the first twenty-five years' action of our government, and sustained by the sanction of the the highest free trade authorities which the tariff discussions have brought to light. I allude to the South Carolina legislative report of December, 1828—to the Philadelphia free trade convention address of 1831, and to the Virginia democratic convention address of 1839. Each of these high authorities, and at the recent dates mentioned, and in their extreme opposition to protective tariffs, admitted the principle and the policy of discriminating duties, and of incidental protection. Here is what each of them has said, and first of South Carolina. The report of her legislative committee, remonstrating against the tariff act of 1828, says:

"Every instance which has been cited, may be fairly referred to the legitimate power of Congress to impose duties on imports for revenue. It is a necessary incident of such duties to act as an encouragement to manufactures, whenever imposed on articles which may be manufactured in our own country. In this incidental manner, Congress has the power of encouraging manufactures; and the committee readily concede that, in the passage of an import bill, that body may, in modifying the details, so arrange the provisions of the bill, as far as it may be done consistently with its proper object, and to aid manufactures. To this extent Congress may constitutionally go, and has gone from the commencement of the government; which will fully explain the precedents cited from the early stages of its operation."

The free trade convention says:

"They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue; and, within these limits, so to arrange these duties as, incidentally, and to that extent, to give protection to the manufacturer."¹

The Virginia convention says:

"It may happen, if a wise policy prevails, that our manufacturing brethren of the North and West will be content with such incidental protection as will be afforded by duties laid to supply the constitutional wants of the government."²

This is what was said by these eminent free-trade authorities on these recent occasions; and I shall not pretend to comment upon their admissions. They are explicit upon the grounds of discrimination and incidental protection. They quote, and admit by name, the system of our tariff legislation before the late war—that system under which the country was so long tranquil and happy, and to which I am now for returning. They admit, by name, discrimination for protection. The compromise act did the same in effect. The raising the duties on coarse woollens and common blankets, by that act, from 5 per cent to 50, to come down in nine years to 20, was for protection during that time. Home valuations and cash duties were to aid manufacturers. A long list of free articles, used by manufacturers, was for the same object. Protection was granted by the act; and the declaration against it, and in favor of revenue duties only, was a direction for future legislation, and did not prevent the compromise itself from granting protection.

I am for returning to the old legislation, not that I would copy any one statute in particular, but

would conform to the plan and object of the whole. These statutes admitted of duties of various degrees, but all of them moderate in amount, and strictly calculated for revenue purposes. They admitted of duties on the quantity (specific) as well as on the value (ad valorem); and when on the value they admitted of no minimums to falsify the real value and to augment the duty. They admitted of discriminations between articles of luxury and articles of necessity, and very properly made the former pay highest, while many of the latter were free—as salt in the time of Mr. Jefferson, or at the low rate of five per centum—as coarse woollens and common blankets, and other articles used by the laboring community. The specific duties, under these statutes, rarely exceeded a fourth or a third of the value: the ad valorems ranged from five to fifteen, with a temporary addition of two and a half per centum to equip some small vessels to protect the Mediterranean commerce from the depredations of the Barbary powers. To this system of duties, and this mode of levying them, I am in favor of returning, with the single qualification that, in no case, shall any duty, either specific or ad valorem, exceed one third of the value—33½ per centum; and with the full belief that the average of the whole will not be equal to the uniform twenty per centum of the compromise act. To the consumer, this maximum, and this average, should be satisfactory: to the manufactures, it will be great and ample protection. To him, it should be also satisfactory. He will get the benefit of the highest duty; for it comes within the principle of the old system, to put the highest duties upon the foreign rivals of our own productions, as well as upon luxuries: he will get the benefit of this duty, which will give him 50 per centum protection. I say 50; for 30 per centum duty is 50 per centum protection! the expenses of importation (7½ per cent.) and the importing merchant's profit (12½ per cent.) going into the price of the goods as well as the duty, and being just as effectual for protection as if inserted in the law. This, with the cardinal consideration of stability, should be satisfactory to the manufacturers.

This is our issue—the old system against the new; and upon this issue we can safely go to trial before the country. For it is not sufficient to have a good cause, and good arguments: you must have the right issues, or you may be defeated in spite of your good cause and good arguments. The compromise is not the right issue or the safe one. In levelling all duties to one uniform line—in disregarding the distinction between luxuries and necessities, and between articles made or not made at home,—in doing this, it disregards a distinction founded in the nature of things—a distinction maintained in all previous legislation—admitted most recently by the extreme free-trade authorities—and too accordant with the sympathies of mankind to be obliterated by statute. We cannot make the issue upon that act, but upon the old system of revenue duties and incidental protection, with discrimination between luxuries and necessities, and between articles made or not made at home. We are not to make war upon manufactures: we do not do it. They were once as popular in the South as in the North, and may become so again. The abuses of the high protective system have destroyed their old popularity in the South: eradicate the abuse, and they will again be popular in every part of the Union. Manufactures are among, not only the use-

¹Messrs. Gregg, Wardlow, Legare, Preston, A. P. Hayne, Elliott, and Barnwell Smith, the committee.

²Two hundred and fifty delegates present, of which 51 from Virginia, 16 from North Carolina, 41 from South Carolina, 6 from Georgia, 11 from Alabama, 1 from Mississippi, 2 from Maryland, 15 from Pennsylvania, 21 from New York, 1 from Rhode Island, 2 from Connecticut, 18 from Massachusetts, 1 from Maine.

³18. George Tucker, president of the convention. Messrs. Brockenbrough, Randolph, Harrison, Young, Narbonne, Nicholas, Dromgoole, and Opie, secretaries.

ful and ornamental, but the noblest arts of the country. Every statesman will cherish them, and honor the skill and industry which perfects them, if left free to follow his own inclinations. Abuse only—the conduct of politicians and millionaire capitalists—have made them enemies. Separate the real manufacturers from these two classes—be content with ample incidental protection—and universal good will will again attend them, greatly enlarging the extent of their market, and the list of their customers.

This is our issue—the old system against the new. And what can be the objection to returning to the old one? None that cannot be instantly and satisfactorily answered. I undertake to say that, under the old system, every interest connected with the imposition of duties was on a better footing than under the new—that agriculture, commerce, and the revenue from customs, all larger in proportion to our population, and more free from fluctuations—that manufactures themselves were advancing faster than any other interest, and faster than they had ever advanced in any other country in the world; and that the whole country, so far as the tariff was concerned, was happy and tranquil; and continued so until ambitious politicians and millionaire capitalists seized upon the subject for their own selfish purposes. These, Mr. President, are bold assertions, but not more bold than true, and as easily proved as uttered. I have the proof in hand; and as I love to deal in proof when I have it, I shall proceed immediately to the work.

1. The revenue from customs.

My assertion is, that the income from customs was larger, population considered, and more free from fluctuation, under the low duty system before the war, than under the high duty since. In maintaining this assertion, I take the time of the first period from 1789, when this government first went into operation, to the year 1808, when the British orders in council, and the decrees of the French emperor, and our own embargo, broke up our commerce, and deranged or destroyed our income from that source. I leave out the period of the embargo and of the war with Great Britain, as belonging to neither system. I take from 1790 to 1808: and what was our income from customs during that time? It was from four and a half to near sixteen millions and a half of dollars. And what was our population during the same time? From four millions to seven millions. The revenue then commenced at the rate of about one million of dollars to one million of people, and rose gradually to near two and a half millions of dollars to one million of people. So much for the first period; now for the second. Beginning with the year 1817, which was the first under the operation of the new system, and the revenue, commencing at twenty-six millions of dollars, fell as low as ten, rose again as high as thirty, fell again as low as twelve, thirteen, and fourteen millions, and for the last year was about seventeen and a half. Our population at the same time was from nine to eighteen millions; so that, at the best, the product of the high duties never rose higher than two and a half millions of dollars to one million of people, often fell as low as three quarters of a million of dollars for a million of people, and is now at the rate of a million for a million! In other words, that the rate of product is exactly the same now, when duties average more than 50 per cent. that it was in the first year of Washington's time, when the aver-

age was the one-fourth of that sum! and twice and a half less than it was in the last year of Mr. Jefferson, when the average of duties was not a third of what it is now. And here let it be remembered that the wars of the French revolution had nothing to do with our revenue. They increased importations, but not consumption. Duties were only paid on what remained in the country for consumption; the large amounts re-exported paid nothing.

I have prepared tables, Mr. President, of the annual income from customs, with a note of the population, during each period into which I have divided our financial history. These tables will illustrate my positions in detail, and more fully and completely than can be done in general statements. They will enable every senator, and every individual who sees them, to make the comparison for himself, and will sustain to the uttermost all that I have said of the superior productiveness of low duties over high. These are the tables:

First table, low revenue duties, from 1791 to 1808.

Years.	Population.	Income.
1791	4,000,000	\$4,309,473
1792	—	3,443,070
1793	—	4,225,306
1794	—	4,801,065
1795	—	5,588,461
1796	—	6,567,987
1797	—	7,549,640
1798	—	7,106,061
1799	—	6,610,449
1800	5,300,000	9,080,932
1801	—	10,750,778
1802	—	12,438,235
1803	—	10,479,417
1804	—	11,098,505
1805	—	12,936,487
1806	—	16,667,698
1807	—	15,845,522
1808	7,000,000	16,363,550

Second table: High protective duties: from 1817 to 1843.

Years.	Population.	Income.
1817	9,000,000	\$26,283,348
1818	—	17,176,385
1819	—	20,283,608
1820	9,638,000	15,005,612
1821	—	13,004,447
1822	—	17,559,761
1823	—	19,088,433
1824	—	17,878,325
1825	—	20,098,713
1826	—	23,341,331
1827	—	19,712,283
1828	—	23,205,523
1829	—	22,681,965
1830	12,866,000	21,922,391
1831	—	24,224,441
1832	—	28,405,237
1833	—	21,488,753
1834	—	14,797,782
1835	—	13,458,111
1836	—	21,552,272
1837	—	26,325,839
1838	—	13,315,129
1839	—	15,373,238
1840	17,000,000	20,560,439
1841	—	10,159,339
1842	—	15,789,173
1843	18,500,000	17,500,000

These, Mr. President, are the tables of the in-

come under the two systems; and now let us examine them, and compare them together. Look first upon this picture, and then upon that! See the annual income from 1791 to 1808: see the largeness of the amount for the smallness of the population, the freedom from fluctuation, and the steadiness of the increase. Beginning at four and one third millions, rising gradually, never varying more than a million in a year, and attaining in seventeen years the extraordinary amount of near seventeen millions of dollars, and that for only seven millions of people. Now look upon the other picture. Beginning in the year 1817, with twenty-six and a quarter millions of dollars, it falls the very next year to seventeen millions! and the year after rises to twenty and a quarter millions! tumbles down the next year to fifteen millions! and the year after tumbles again to thirteen millions! being an actual fluctuation of thirteen millions out of twenty-six in five years! All the rest of the period is about in the same proportion. Twice in twenty years the income got up as high as it was in 1817: twice again it fell to 17—twice to 15—twice to 13—once to 10—and is now at 17½,—which is near ten millions less than it was in the year 1808! This is bad enough: but to show off this period in proper contrast, a third table is necessary—a table showing at one view the actual income received, and the amount that ought to have been received during the same period, according to the increase of population, and according to the rate of the income during Mr. Jefferson's administration. This third table has been prepared, and here it is:

Third table, showing what ought to have been received from customs under the protective system to have been equal to the receipt under the revenue system.

Years.	Population.	Actual receipts.	Should have been.
1817	9,000,000	\$26,283,348	\$22,500,000
1818	-	17,176,385	
1819	-	20,283,608	
1820	9,638,000	15,005,612	24,000,000
1821	-	13,004,447	25,000,000
1822	-	17,559,761	
1823	-	19,088,433	
1824	-	17,878,325	
1825	11,000,000	20,098,713	27,000,000
1826	-	23,341,331	
1827	-	19,712,283	
1828	-	23,205,523	
1829	-	22,681,965	
1830	12,866,000.	21,922,391	31,500,000
1831	-	24,224,441	
1832	-	28,405,237	
1833	-	21,488,753	
1834	-	14,797,782	
1835	15,000,000	13,458,111	37,500,000
1836	-	21,552,272	
1837	-	26,325,839	
1838	-	13,315,129	
1839	-	15,373,238	
1840	17,000,000	20,660,439	42,500,000
1841	-	10,159,339	43,000,000
1842	-	15,789,173	
1843	18,500,000	17,500,000	46,250,000

According to this table, Mr. President, which I have made out with great care, it will be seen that, in 1817, when our population was nine millions, the income was 26½ millions instead of 22½, which it should have been: that in 1820 it was 15 millions instead of 24; in 1821 it was 13 millions instead of

25; in 1825, instead of 27 millions, it was 20; in 1830 it was 22 millions instead of 27; in 1835, we had 13½ millions instead of 37½—being just the one-half of the product of 1817! In 1840, we had 20½ millions instead of 42½; in 1841 it was 10 millions instead of 43; and in 1843, with a population of 18½ millions, we wound up with 17½ millions of dollars instead of 46½!

These tables speak a language which cannot be misunderstood, and they place in the strongest contrast the working of the two systems during the two periods: the beauty and advantages of one, and the deformities of the other, standing out in the boldest relief. In the first period, amplitude of amount, steadiness of the product, and regularity of the increase, strike every beholder. In the second period, all this is reversed: confusion and madness seem to reign in our treasury. Sometimes millions too much—then not half enough. Sometimes surpluses to be distributed—then deficits to be supplied. Giving away one day—begging or borrowing the next. Always a feast, or a famine—never the right thing. Our poor treasury become a balloon—sometimes soaring above the clouds—then dragging in the mud—now bursting with distension—now collapsing from depletion.

The miseries of the high-duty system we have all seen and felt, and now see and fell; in the deplorable condition of our finances—a debt of near thirty millions created—loans to defray current expenses—four times a resort to treasury notes—and now an illegal and fraudulent issue of a paper money currency. Compared to the termination of the low duty system at the end of Mr. Jefferson's administration, and how does it stand? As confusion, misery, and deformity stand to order, beauty, and happiness. Mr. Jefferson's administration required an expenditure nearly equal, and, population considered, more than double what we require now; and the customs produced all that was wanted, and to spare; for the lands produced but little. The interest and principal of the debt of the revolution was then to be paid; the interest of the Louisiana purchase had to be met; a war with the Barbary powers had to be kept up; a military peace establishment, larger than the present in proportion to our population, was kept up; and the revenue for all this expenditure, amounting to seventeen or eighteen millions of dollars, came from the customs, with a population of only seven millions, leaving every year a real surplus in the treasury. But let Mr. Jefferson himself present this picture. He presented it to the two Houses of Congress in his last annual message, and never was a time more fit to look at it again than the present. He said:

"It is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two million three hundred thousand dollars of the principal of our funded debt, and left us in the treasury on that day near fourteen millions of dollars. Of these, five million three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three million five hundred and eighty thousand of the principal of the funded debt; being the whole which could be paid or purchased within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus."

Such, Mr. President, was the working of the low-duty system—ample and steady revenue—no loans, no taxes, no paper-money—33 millions and a half

of public debt paid in eight years—a surplus of 14 millions left in the treasury—the result not of lands exchanged for paper, but the regular result of steady revenue, strict economy, and hard money. How different from the state of things under the high duties of the present day! Instead of paying above thirty millions of public debt in eight years, we have created near thirty millions in four years; instead of a surplus in the treasury, there is a deficit; loans and taxes are the order of the day; and, to crown all, we have an illegal and fraudulent issue of federal paper-money currency, issued by executive power, and sustained by bank alliances. Such is the difference between the working of the two systems after twenty-five years trial of each!

Upon this view of the question, I submit, Mr. President, that I have made good my first assertion, and demonstrated the superiority of law duties over high ones, in all that relates to good and wholesome revenue, the amplitude of its amount, the steadiness of the supply, the regularity of the increase.

2. I proceed to the next assertion—the superiority of low duties over high ones, in relation to their effect upon agriculture and foreign commerce. These two interests, in our country, go together, and the state of one is a good index to the other. The exports make the imports, and agriculture is at the bottom of the whole. The tables of exports and imports for the two periods which we contrast, will show how agriculture and commerce fared during the continuance of these periods, and to these tables I now have recourse. And here I will premise that I fully understand the nature of our neutral position during the wars of the French revolution, and the effect which that neutrality had in promoting imports for re-exportation. We re-exported much from 1791 to 1807, and have re-exported exactly as much from 1817 to 1844! Mexico, South America, and the West Indies, have opened new markets for our re-exportations; and it is a fact, proved by the custom-house returns to be the same. Five hundred and twenty millions of dollars are, as near as I can ascertain from the most careful research, the amount of re-exportations for each period; so that in a comparison of the foreign trade in each period, they may either be both omitted or both included, as the speaker pleases. Finding them included in the tables, I choose to use them in that way. The table of revenue has already settled the question in favor of the large amount of foreign goods which remained in the country for consumption. Duties were only paid on the amount so remaining; and a revenue of sixteen or seventeen millions of dollars from customs, with the low duties then paid, show that the importations for home consumption were greater then than now.

I will now show the tables of exports for these two periods; and they will be found (each in its place) to be characterized by the same features which distinguish the corresponding revenue—the same large amount, steady progress, and regular increase in one period—the same excesses and deficiencies, risings and fallings, and violent fluctuations in the second. Here is the table of the first period:

Table of foreign and domestic exports from the United States from 1791 to 1807.

Years.	Exports.	Population.
1791	\$19,012,041	4,000,000
1792	20,753,896	
1793	26,109,572	
1794	33,026,233	

1795	47,080,472	
1796	67,064,097	
1797	56,850,206	
1798	61,527,097	
1799	78,665,522	
1800	70,971,780	5,300,000
1801	94,115,925	
1802	72,483,160	
1803	55,800,033	
1804	77,699,074	
1805	95,566,021	
1806	101,536,963	
1807	108,343,150	7,000,000
1808	Embargo.	

Observe, Mr. President, the regular and onward course of our exports during this period—always advancing, always increasing. Beginning in 1791 at twenty millions of dollars for four millions of people, they advance gradually and regularly to one hundred and eight millions in the year 1807, for seven millions of people. This table shows every thing that is desirable in a regular, flourishing, and prosperous commerce. Now let us look upon the next one. Behold it:

Table of foreign and domestic exports from the United States, from 1817 to 1843.

Years.	Exports.	Population.
1817	\$87,671,569	9,000,000
1818	93,281,133	
1819	70,142,521	
1820	69,691,669	9,638,000
1821	64,974,382	
1822	72,160,281	
1823	74,699,030	
1824	75,886,657	
1825	99,535,388	
1826	77,595,322	
1827	82,324,829	
1828	72,264,680	
1829	72,358,671	
1830	73,840,508	12,866,000
1831	81,310,583	
1832	87,176,943	
1833	90,140,433	
1834	104,336,973	
1835	121,693,577	
1836	128,663,040	
1837	117,419,373	
1838	108,486,616	
1839	121,028,416	
1840	133,685,946	17,000,000
1841	121,851,803	
1842	104,691,534	
1843	-	18,580,000

Here we have it again, sir! The counterpart of the income from customs during the same time: the same plunging and floundering, the same incessant and violent fluctuation. Commencing at eighty-seven millions of dollars in 1817, for nine millions of people, these exports sunk as low, in 1821, as sixty-four millions of dollars for ten millions of people. Then they swell up to ninety-nine millions; then fall back to seventy-two millions; then dart up to one hundred thirty-two millions, and fall back, in 1842, to one hundred and four millions. At this amount they stand now, being about the same they were at in 1808, when the population of the country was little more than the one-third of what it is at present, when the cultivation of the country was not more than a third of the present cultivation, and when the great article of cotton (now amounting to two-thirds

of our exports) was but a small item in the list of exported articles. Taking these circumstances into consideration, and the decline of agriculture, and of the foreign commerce founded upon it, becomes appalling. Leaving out cotton, and the agricultural exports are less now than they were in 1808: They then amounted to forty-eight millions; they only amount to about one hundred millions now, of which cotton is near two-thirds.

Such is the general view of our agriculture and commerce under the high duty system, and under a tariff incessantly altered for political and mercenary objects. It presents a deplorable picture of their decline; and not only of their decline, but of their ruinous revulsions and convulsions. Viewed in detail, and in relation to its effect on particular articles, and the miserable picture becomes still more deplorable. Thus: The rice exportation, in Mr. Jefferson's time, was at an average of two and a half millions of dollars per annum; it has since fallen as low as one and a half per annum, and is now under two millions. Flour, in 1807, was exported to the value of eight and a quarter millions; under the high tariff it has fallen as low as three millions; has been under five millions for half the time since 1817, and is now at seven and one third millions. Indian corn and corn meal were exported to the value of two and a half millions annually, under Mr. Jefferson's administration: in one half the years under the new system, this export has been less than one million of dollars, and is now not equal to what it was forty years ago. Wheat, in 1807, was exported to the amount of 776,000 bushels: From 1817 to the present time, the export of this grain has only once risen as high as 400,000 bushels; has twenty times been under 100,000, and four times has been less than 5000 bushels. Tobacco has shared the general fate of other agricultural products, and that without any attempt at excuse; for people use as much of that weed in peace as in war, and in idleness as in labor; yet it has shared the same fate as the rest. Thus, in the first year of General Washington's administration, (fifty-four years ago,) the export of this article was 101,000 hogsheds; the next year it was 112,000; yet, under the high-duty system, this export has repeatedly gone down to 60,000 or 70,000 hogsheds, and is now at only about 150,000. To be equal to what it was in Washington's time, would require an export of 400,000 hogsheds; for our population has increased four fold since that time. Thus, viewed in the gross, or in the detail, the result is the same—agriculture and foreign commerce, as well as revenue, have been sacrificed for the last twenty-five years, and it is time—high time—that these great interests should be restored to the flourishing condition which they enjoyed in the first half of our national existence. High tariff, political tariffing, and their kindred abuse, (excessive banking,) have done this mischief; and it is time for these evils to cease.

I protest against the mode, sometimes pursued here, of comparing isolated years against each other—the imports, or exports, or revenue—of one or two years with those of one or two other years. All such comparisons are fallacious, as much so as it would be to examine through a microscope a brick or a stone from two different buildings, and then judge of the whole from such microscopic observations of small parts. Systems against systems—periods of time against periods—is the only safe mode of comparison; and in that mode I compare the high duty with the low duty system. The com-

parison has been found immeasurably to the benefit of the latter, and will continue to be found so if followed from general views to details—from public to private affairs. Individuals have suffered as much as the government in the last twenty-five years. Their business also has partaken of the ups and downs—the flights and falls—of the treasury and of commerce. All business has been deranged—expansion one day, contraction another—now a man dealing in hundreds of thousands, then bankrupt!—then coming to Congress for relief laws, or to the executive for office; and losing the dignity of home independence by this humiliating appeal to the government for support. All has been brought upon us by high tariff. The same cause which deranged the treasury of the Union—which gorged it one day, and starved it another—this same cause deranged the business of individuals: and, if there is any extenuation for the humiliating spectacle of the crowds who come to the federal government for the means of subsistence, it is in the fact that vicious legislation has brought them to that degradation. The two periods which I have contrasted are the general picture, and the government picture, of which the detail is in the people. In the first period all was happy and prosperous; the people were doing well, and were contented; and consumed, when only seven millions of souls, as much foreign goods at the then low rates of duty, as gave sixteen millions of revenue to the government: now the many are impoverished to enrich the few; and eighteen millions of people, at the present high rates of duty, pay no more revenue into the treasury than was paid thirty-four years ago by seven millions. Why this difference? Because people are poor and distressed now, and their affairs all deranged, like the treasury: and formerly they were rich and happy, and their affairs, like the then treasury, prosperous and regular. The two tables of revenue which I have produced are the key to the exports and imports—a key to the condition of the country—a key to the condition of the people: and in the order, plenty, and regularity of one, and the disorder, fluctuation, and confusion of the other, you see all that has happened publicly and privately in the two periods of time, and under the two systems, which I have been comparing together, or rather contrasting against each other.

After this exposition, Mr. President, of our exports under the protective system, it is hardly necessary to trouble the Senate with any detailed view of our imports during the same period. They are obliged to partake of the same character, and such is the fact. They have risen as high as one hundred and ninety millions; they have fallen as low as sixty-four millions; and they have plunged and floundered backwards and forwards at all amounts between these two wide extremes. They are now at about one hundred millions, which is less than they were at thirty years ago.

And here, sir, I quit this branch of the case, with the confident conviction that I have made good my second assertion, and proved that agriculture and commerce not only did better under the old system than under the new, but that they flourished in the highest state of prosperity then, and have been sunk to the lowest state of depression since.

3. I proceed, Mr. President, to my third assertion, which applies to manufactures, and asserts their prosperity before the late war, and before the protective system was invented. It is a great mistake

to suppose that they have grown up under that system: they were well established, and flourishing before that system was dreamed of; and of this I have the highest evidence in my hand.

It is known that the Congress of the United States directed the census returns of the year 1810 to include the state of our manufactures, and that these returns, though very imperfect, from the fear which many people had that a scheme of ulterior taxation was intended, still showed that this branch of our national industry had attained a high degree of importance. The aggregate of the returns, palpably defective as they were, amounted to one hundred and twenty-seven millions of dollars; and were computed at near two hundred millions. The total omission of returns from many places, and the imperfect returns from others, induced Congress to prosecute the inquiry which they had commenced; and on the 19th day of March, 1812, a joint resolution was passed by both Houses, and approved by the President, directing the Secretary of the Treasury, Mr. Gallatin, to have the returns digested and perfected. For this purpose, Mr. Gallatin employed Mr. Tench Coxe, of Philadelphia, an eminent advocate for manufactures, a writer for twenty-seven years in their favor, and the gentleman whose opinions on this subject were lately presented by Mr. Webster, at a public meeting, in a way to pass them for those of Dr. Franklin. Mr. Coxe completed his task with great labor and care. He took two years to verify his statements, and produced an authentic work, from which I will now read the extracts which will sustain my assertion.

Mr. B. then read from Mr. Coxe's report, page 53 of the introduction, as follows:

"In the course of the numerous and diversified operations, occasioned by the deliberate execution of this digest and statement, constant and very close attention has been applied to those facts which have occurred throughout the Union since the autumn of the year 1810, from which a judgment of the condition of the manufactures of the United States for the current year 1813 might be safely formed. It has resulted in a thorough conviction that, after allowing for the interruptions to the importations of certain raw materials, the several branches of manufactures in the States, Territories, and districts, have advanced, upon a medium, at the full rate of twenty per centum; which would give an aggregate for this year of \$207,000,000. But as it is best to make ample allowances for some manifest repetitions of articles, which are inextricably involved in the subordinate returns, a sincere and well-reflecting final opinion is respectfully offered, that the whole people of the United States, taken in 1813 at eight millions of persons, will actually make, within this year, manufactured goods (exclusive of the doubtful) to the full value of two hundred millions of dollars."

Here (said Mr. B.) are two great facts stated; first, that manufactures were then actually advancing at the rate of 20 per centum per annum; secondly, that the actual value of manufactures then amounted to two hundred millions of dollars per annum. Contemplate these facts within themselves, and the flourishing condition of the manufacturing interest, which they announce is great and striking. Twenty per centum of annual increase, and two hundred millions of annual product, in a population of eight millions, is an astonishing result for a young country. Compare it with other interests, and with population. Population was only increasing at the rate of three per cent per annum, and required twenty-five years to double: foreign commerce was only increasing at a moderate rate, and required twenty years to advance from twenty millions to one hundred millions, and is only now where it was above thirty years ago. Agriculture, though advancing steadily in its exports in the first half of our nation-

al existence, has since declined in all its ancient staples. Yet manufactures were already at two hundred millions of annual product, and advancing at the rate of twenty per cent per annum, before the protective system was invented—before politicians had taken it into their heads to become their patrons!

But Mr. Coxe does not stop at these statements. He makes his case still stronger by comparison: by comparing the state of American with that of English manufactures, at the nearest proximate point of time and amounts of population. He shows that the manufactures of England, (not of Great Britain, but of England proper,) with a population of eight and a half millions, and just before the formation of our constitution, was only two hundred and sixty-six millions!—a mere fraction beyond our own, with eight millions of people, before the protective system was established. But hear him for himself. Let him speak for himself. Let this enlightened and disinterested champion of the cause deliver his own facts in his own words. At page 52, he says:

"Some confirmation of this view of our national operations, mercantile and manufacturing, may be drawn from the facts, that, in the years of general peace and prosperous and regular commerce—from 1785 to 1787—the average exports of England, (alone,) with about 8,500,000 inhabitants, amounted to seventy millions of dollars, while their manufactures were computed at two hundred and sixty-six millions of dollars."

This, Mr. President, is a most astonishing approximation. The English had been pushing their manufactures from the time of Edward III—full five hundred years—and had only reached the product of two hundred and sixty-six millions of dollars to eight and a half millions of population. We had been letting ours alone with the advantage they possessed in their three thousand miles distance from their European rivals—in their incidental protection under revenue duties—in their advantages of cheap provisions, light taxes, hard money, and free action under equal laws. We had been letting our manufactures alone with these real and great advantages, and they were already nearly equal in amount to those of England, after five hundred years of governmental protection.

But let us continue the reading; let the witness speak. At page 10 of the introduction, Mr. Coxe says:

"Machinery is now in actual operation in the United States for printing cotton and linen cloths by engraved rollers of copper, moved by water. Ten thousand yards have been printed with ease in a single day, by one man and two boys, with these rollers. Fifty thousand children's handkerchiefs have been printed in the same time by the same number of persons. Similar means are in constant use for staining and dying cotton and linen cloths of one color in the same expeditious manner, so as to make them fit for the greater variety of apparel and furniture."

And again from page 11, of the introduction:

"The States of Rhode Island and Massachusetts have expelled all doubts about the practicability of the cotton operations. With the smallest territory in the United States, Rhode Island has already attained, and introduced into her vicinity a cotton branch of our manufactures as valuable as the cotton branch of any country in Europe was at the time of the formation of our constitution. The neighboring States of Massachusetts and Connecticut quickly followed Rhode Island; and the tables which are annexed, imperfect as they unavoidably are, manifest the universality and magnitude of the cotton manufacture in 1810."

One thousand eight hundred and ten!—observe the date, Mr. President! Observe the date!—one thousand eight hundred and ten! Two years before the war, and near seven years before the politicians took hold of the subject, the cotton manufacture was completely es-

established in Rhode Island, Connecticut, and Massachusetts; as well established as it was in any country in Europe before the formation of our constitution; a man and two boys could print, with ease, ten thousand yards of calico, or fifty thousand children's handkerchiefs in a day; that the success of these States had expelled all doubt upon the subject. And this was the state of the cotton manufacture in Rhode Island, Connecticut, and Massachusetts, more than the third of a century ago; and now, after twenty-five years of aid from the protective system, we are told that this manufacture must go to ruin if not further protected by enormous duties and prohibitory minimums. Certainly, if this is the case, they have been injured by our aid, and have been held up so long that they cannot stand alone. But this is not the case. This manufacture was well established thirty-odd years ago, and is able now, as I will show hereafter, to stand alone, and to contend with the cottons of Great Britain and of Europe, not only here at home, but all over the world. And here, Mr. President, I must again advert to the date. The modern champions of manufactures say it was the war which gave birth to manufactures, and that we must have high duties now to protect what the war created; but the work of Mr. Coxé shows this to be a grand mistake; that this great interest had taken deep and wide root before the war, and was going on well even before the year 1810.

It is impossible to follow Mr. Coxé through a detailed view of the condition of each branch of manufactures, which he presents in this volume. The index occupies eight pages, and the number of articles enumerated exceeds three hundred. They comprise all manner of productions—almost everything useful or ornamental—in the working of wool, wood, iron, glass, hemp, flax, leather, and a long list of others, all well established as early as the year 1810, and many before that time. He computes the manufactures of the three articles of wool, flax, and cotton alone, at forty millions of dollars. Iron, he computes at fourteen millions—leather at eighteen—wood at five and a half—cables and cordage four and a quarter. Wool, he says, was in the most rapid state of improvement next after cotton. New England made fine, if not superfine, broadcloth, above fifty years ago. President Washington wore a suit of it, made at Jeremiah Wadsworth's factory in Connecticut, when he first met the two Houses of Congress under the present constitution. Fifty-four years ago, on the most august occasion in the annals of man, the most finished gentleman, hero, and patriot that modern times have beheld, found Connecticut cloth good enough for him to wear! And now we are to be entertained with a belief that the manufacture of this cloth is just growing up there—that it has been hatched into existence by the hot incubation and meretricious embraces of politicians and capitalists, and is yet too feeble to stand unless supported by the powerful arm of the American government!

I repeat it,—it is impossible; time and strength would fail me, to undertake to follow Mr. Coxé through his detailed view of our manufactures in 1810. I must take it by States, and show what he then said of States which are now the most urgent for government protection. Thus: The manufactures of Massachusetts were stated at \$21,895,000; New Hampshire 5½ millions; Vermont at 5½ millions; Rhode Island at 4 millions; with the remark that the cotton manufacture was there increasing at the rate of 33½ per centum; Connecticut at 73; with

the remark, that there were constant additions to the number of manufactories in that State, and of the capital employed in them; New York 25 millions, with the belief it should be 33; New Jersey 7 millions; Maryland 11½. All this appears at page 38 of the tables, and shows the extraordinary growth of manufactures in all these States at the early period of 1810. But Pennsylvania was still superior to all these; and to that State Mr. Coxé devoted a separate table, by countries, at page 63 of the introduction. Forty-four millions of dollars is his estimate of the manufactures of that State, of which 16 millions alone were in the city and county of Philadelphia. His whole estimate for 1810 is near 200 millions of dollars; about double as much as the whole exported productions of agriculture are at this day; about double as much as the whole importation of foreign goods are at this day; about equal to the joint amount of exported agriculture and foreign commerce thirty-three years thereafter! The whole cotton crop of the United States for the last year was 47 millions. Pennsylvania manufactured 44 millions in 1810. The largest cotton crop ever made in any one State in a year, was 15 millions—that of Mississippi in 1839. Philadelphia county and city manufactured 16 millions in 1810!

Having shown this to be the flourishing condition and actual value of our manufactures at that early period, Mr. Coxé proceeds to the very natural inquiry into the causes of the extraordinary growth of this branch of industry in our new and youthful country. He inquires into these causes, and finds them in the freedom of our institutions, which permits every talent to take its natural course, and foreign skill to incorporate with our own; in our position, which gave all the difference of costs and charges and mercantile profit on the foreign rival, in favor of the domestic article; in the abundance of raw materials, the cheapness of provisions, the lightness of taxes, and in the incidental protection resulting from the imposition of revenue duties for the support of the government. But this is a point at which the oldest advocate of manufactures should be allowed to speak for himself: and let us hear him. I read from pages 28, 29, 50, 59, 60, of the introduction:

"The United States have some palpable and great advantages over their foreign rivals in the cotton branch. These of Europe depend upon foreign agriculture for the raw material, for the indigo, and in a considerable degree for their breadstuffs."

"The expenses, costs and charges of transporting cotton from the farms and plantations even near the coasts of the United States, to the manufactories of Manchester, Glasgow and Rouen, and the same charges upon manufactured goods brought from those places to houses of the planters and farmers in America, are equal to 50 per cent on the finer and 75 per cent on the coarse, heavy, and bulky goods of those great manufacturing towns."

"Every man and woman in the United States uncharged with crime, is free of every city, town, borough, hamlet, village, township, hundred, county, and enjoys the freedom of every occupation, trade and calling." "Foreign masters as well as journeymen and foreign capitalists have discovered that the United States afford extensive opportunities to employ themselves in manufactures, and the useful arts, as has been long the case in commerce, navigating, stocks, banks, and insurance companies. The manufacturing branches are as open to them here, as are agriculture and the purchase of lands and houses in the most favorable States, or as they are to a native or naturalized citizen. Patented monopolies, processes, machinery and tools, engrossed for a time by foreign invention in Europe, may of course be used here by all persons without restraint or injury. In this highly inventive and well instructed age, these opportunities, in such a country as the United States, often redound to the great benefit of respectable foreigners as well as of ourselves."—Pages 28, 29, 60.

"It is manifest to the close observer, that this state of things very extensively existing, and faithfully represented, has occasioned manufactures to spring up every where, as an operation of plain common sense to effect the consumption, employment or sale of the products of the earth, and to attain a supply of the comforts and conveniences of life. It is the natural and irresistible working of things."—Page 39, 60.

"The facility of retaining and steadily extending this valuable branch (the manufacturing) of the national industry is manifested by its very early and spontaneous commencement in every county and township, and by its nearly spontaneous and costless growth, with such aids only as have not occasioned any material expense or sacrifice to agriculture or commerce, since they were chiefly incidental to necessary revenue, or resulted from our distance from the foreign consumers of our productions and manufactures of our supplies."—Page, 50 * * *

"Such are the principal facts which occur to recollection, at this time, evincing the benefits to owners and cultivators of the soil from the manufactures which have arisen unforced in the United States. Their principal protection by duties is incidental. Those duties were imposed to raise the necessary revenue; but greatly favored the manufactures."—Page 29, Introduction.

Such, Mr. President, were the causes of the growth of manufactures among us. They grew up of themselves, without the knowledge of politicians, and without any aid from federal legislation, except the incidental assistance from the imposition of revenue duties. Their growth was natural—spontaneous—unforced—without injury to commerce or agriculture—without injury to revenue—and, what is not to be forgotten, not only without a word of discontent or dissatisfaction in any part of the Union, but with the absolute approbation of all. I repeat it: manufactures were just as popular at that time in the South as they were in the North. No party feeling, or sectional feeling, or even individual feeling, was at that time entertained against them. All cheered their progress, and honored their cause. All befriended them, until politicians and millinary capitalists converted them into a political interest and an engine of oppression.

After having shown the flourishing condition of manufactures, and the causes of their great and rapid growth among us, Mr. Coxe naturally looks forward to the future, and inquires what more is yet to be done for them? He makes a formal head of the inquiry, and indexes it with these impressive words: "*Promotion of manufactures—safe, cheap, benevolent, and infallible method of.*" This was written in September, 1814, in the third preface to Mr. Coxe's work; and the date, as well as the inquiry, becomes eminently material. It was only two years before the politicians took hold of the subject, and came forward with their protective system. Surely if the further aid of Congress had been wanting, Mr. Coxe (a writer for twenty-seven years in favor of manufactures) was the man to know it! the month of September, 1814, was the time to find it out! and this was the place in the book to tell it! Does he do so? Does he ask for federal aid? Does he ask for high duties and minimums? Does he mention tariffs? Does he allude to any of these things? No, sir, no! None of these means of promoting manufactures have any place in his mind, or in his book. In the ample verge which he had left himself for the insertion of every salutary aid under the terms *safe, cheap, benevolent, and infallible*, there was no place for federal protection or congressional help!—no place for high duties and prohibitory minimums! Half a dozen pages are given up to inculcating the necessity for the diffusion of skill, the multiplication of machinery, the adoption of new improvements, the application of steam power, the education of the operatives, and to the cultivation of good feelings in every part of the

Union, but not a word about protective duties and minimums!—not a word about the tariff! In fact, the word *tariff* is not mentioned in the book—not once in the whole book—not once in a quarto volume of two hundred pages, wholly occupied with the growth and establishment of manufactures, and a special chapter devoted to the means of improvement. The nearest approach that can be found to it is in the word *tar*, in the index, where it is placed for the purpose of showing that the tar-burners would not give in the produce of their kilns, for fear of being taxed; and that, consequently, tar has no place in the census returns—no more than tariff has in Mr. Coxe's book.

I cannot quit this part of my examination of the subject without dwelling on the fact of this remarkable non-appearance of the word *tariff* in such a book. The word is not in the book! A writer for twenty-seven years in favor of manufactures—issuing a quarto volume on the subject—inquiring as late as September, 1814, what further was necessary to be done for his great and darling object: this writer never once pronounces the word *tariff*! Yet in two years after that time politicians and millinary capitalists spread the term through the land—make it the watchword of party—the text of endless harangues—the ladder of political promotion—the creed of politicians—the subject of catchism to every candidate for office from the American presidency to the township constable. Such is the power of party spirit and money—the power of a great political party, and a great moneyed interest, acting together for their joint account, and agitating the country for their own selfish designs.

No, sir, Mr. Coxe could find no place under any one of his heads of promotion of manufactures—either that of safe, or cheap, or benevolent, or infallible—for inverting the word *tariff*—that word which, for a quarter of a century, has been tearing the peace of the country, and almost the Union itself, to pieces. But he did find a place for another means of promoting and perpetuating the success of this great interest, which does so much honor to his patriotism, and has so strong an application to our present condition, that I have reserved it for a separate and final quotation. It is this:

"Some further illustration of the great interest of the United States in the general business of manufactures, of their unforced progress, of their actual magnitude, of their sure, easy means of their execution, and of their immovable establishment, was the principal aim of this supplementary note. It was written in the summer of the current year, 1814, while the original statement was issuing from the press, and under the same circumstances as parts I and II. The sole aim of the publication of the present entire work is to elucidate, unite, and promote the various interests of the American family, whether agricultural, mercantile, manufacturing, or auxiliary, in the North and the South, in the East, in the West, and in the centre. No partial objects, local or professional, have influenced the publication. To sacrifice the rights and interests of the merchants to the exclusive benefit of the manufacturers, would appear to be an unreasonable and vain attempt; to endeavor to effect a like sacrifice of the rights and interests of manufacturers, to the exclusive benefit of the merchants, would seem to be equally irrational and vain; to neglect to foster, by all wise measures, both external and internal trade, or foreign commerce and home manufactures, would appear entirely to disregard the well-tried and certain means of agricultural and landed prosperity, and of national wealth and power."—Page 70 of the introduction.

This is the last and crowning advice which this patriotic man gives to the manufacturers. It is to cultivate good will with all—endeavor to sacrifice no interest—unite the whole American family—conciliate the North, South, East, West, and centre. This

was his last and crowning advice; and this was the state of things when he wrote. How different from the conduct of politicians, and the state of things which they have brought about! And now, if I should venture a piece of advice to the manufacturers—I, who have always shown myself their true and disinterested friend—it would be to eschew partisan politics! Be as ardent in politics as they please *individually*; but as a *body*, avoid the contagion of partisan politics! Of that disease died the Bank of the United States!

I now submit, Mr. President, that I have made good my third assertion—that I have proved the successful and prosperous establishment of manufactures long before the invention of the protective system; and, consequently, that there is no necessity for continuing that system, to prevent them now from going to ruin.

The census of 1810 has done us good service on this subject: we have had another census since, which has done us good service upon it again. I speak of the census of 1840. One shows us what manufactures were: the other, what they are. And though they are imperfect, from the honest fear which many people had of being taxed, and which made them withhold full returns, in some instances, yet, as far as they go, they are correct and reliable.

Manufactures were well established from Maryland to Massachusetts in the year 1810. What are they now? Let the census of 1840 speak! I have recourse to the compendium of that document, printed by Blair and Rives, and quote from pages 107 to 113, and from 356 to 361; and begin with the State of Massachusetts. The woollen manufacture of that State is set down at \$7,082,898 upon a capital of \$4,179,850 invested, and with 5,076 persons employed. This is at the rate of about one dollar and three quarters of annual product for each one dollar invested, and about 1,400 for each hand employed. This is the gross product, from which, of course, the expenses are to be deducted. Deduct them. They are not great in the fugal northeast—make an allowance for machinery which supplies the place of the people—or merely look to capital invested and product yielded—and you will have an amount of profit unknown in any other part of the world. So much for wool: now for cotton. The value of this manufacture is set down \$16,533,423 on a capital of \$17,414,000 invested, and 20,928 persons employed. This is at the rate of about dollar for dollar for the capital, and about 760 dollars to the hand. Let us try another article—that of leather. The manufactures of this article are stated at \$10,553,826 of value, upon a capital of \$3,318,544 invested: number of persons employed not stated. The product compared to the capital, in this case, is nearly three to one.

[Here Mr. CRITTENDEN inquired of Mr. B. what was meant by capital invested. Did it include buildings and ground?]

Mr. B. I read the words as I find them, and have no doubt they include the buildings and the ground, as well as the machinery and water privileges, and all auxiliary establishments. I give the words their largest import; let them include every possible outlay, and then say the product is the largest that ever resulted from human labor in the annals of mankind.

But to pursue the inquiries through some other articles in the State of Massachusetts. The manufactures of paper are set down at \$1,659,930 value upon a capital of \$1,082,800 invested; which gives a yield of a dollar and a half annually upon every

dollar invested. And so on through an almost endless list of other articles; and all coming out in about the same way. Dollar for dollar—two dollars for one—and sometimes three for one—are the usual proceeds of the year upon the capital invested; and after making every allowance for expenses to be deducted from these amounts, the net profits, especially considering that machinery is chiefly employed, one piece of which will do the work of two hundred hands—eating, drinking, wearing nothing, never sleeping and never tiring: when we consider this, I repeat, the net profits must be the largest ever known in the history of human labor. The manufacturers have often astonished us by publishing accounts of 10, 12, 15, 17, 20 per cent. divided every six months; and great as these dividends were, it is certain they were only a part of the profits. Large surpluses were left to be divided in the lump on some happy day, or to be invested in new works. They could not venture to divulge the whole extent of their real profits, for fear of producing too many rivals.

Compare the proceeds of agriculture with these proceeds of manufactures. Does the farmer get 100, 200, 300 per cent. annually upon the amount of his capital invested? are his gross proceeds the equal, the double, and the treble of his capital invested? his lands, houses, slaves, cattle, implements? I thank the senator from Kentucky [Mr. CRITTENDEN] for his question. He has put the right question, and brings out a fair comparison—the whole against the whole! Take the whole investment of the farmer, or the planter, against the whole investment of the manufacturer, and compare gross proceeds with gross proceeds. I have no means of ascertaining net profits, and that depends more upon the manager than the subject: take the gross against the gross, and let the planter and the farmer answer. Can he give you the third or the quarter, instead of the double or the treble? Can he even give you ten or 15 per cent., instead of 100, 200, and 300 per cent.? No, sir? he cannot! and yet this farmer and this planter is to be taxed in every necessary, and in every comfort of his life to swell still higher and to perpetuate still longer the enormous and exorbitant profits of a class who are advancing to princely wealth, while they themselves can hardly contrive to make the two ends of the year meet.

Besides the great articles worthy of separate consideration which I have named, and which are specifically enumerated, I find, at page 361, a column of non-enumerated articles, a sort of miscellaneous collection of small items, not worthy of specific enumeration. These anonymous articles, I suppose, constitute what is known by the name of “*notions*,” and seem to be as profitable an investment as the rest. The Massachusetts report of them stands at \$6,560,234 value produced, for \$3,287,986 invested, which is about two for one. Rhode Island stands at \$1,658,193 upon \$820,450 invested, which is about the same rate. Connecticut stands at \$2,266,994, upon an investment of \$1,254,576, which is still coming up pretty nearly to the same mark. The whole value of these “*notions*” in New England is about six millions of dollars—about equal to the flour export of the whole United States—with a gross product of two to one upon the capital invested in their production; yet the wheat-growers must be taxed for the making of them, as well as taxed by their purchase.

It is impossible to follow these tables through the hundreds of articles of manufactures which they

present, and through all the States, from Maryland to Massachusetts, where they are chiefly carried on. The compendium is in every senator's hands; and each one can pursue the inquiry for himself. Would to God that one was in the hands of every citizen of the Great West, that he might see how many thousand times better off than himself is the millionaire capitalist, for whose further enrichment he is grievously and daily taxed in all the comforts and necessities of life, and through all the divisions of his household, from his wife, children, and servants, to the cattle that pursue him for salt. I cannot pursue the tale through nine States, and the hundreds of articles in each of these States, which show the present state of manufactures among them; but I have made an extract of what relates to wool and cotton—the amount produced, and the amount invested in each—and here present it as a specimen of the whole. It will be seen that the product is generally at the rate of dollar for dollar, and sometimes the double of it. This is the table, leaving out Massachusetts, of which I have already spoken:

	WOOL.		COTTON.	
	Product.	Capital.	Product.	Capital.
Rhode Island -	\$842,172	\$655,350	\$7,116,772	\$7,326,000
Connecticut -	2,494,313	1,931,335	2,715,000	3,162,000
Vermont -	1,331,000	1,406,950	<i>But little.</i>	
New York -	3,637,337	3,469,349	3,640,237	4,900,772
New Jersey -	440,710	314,650	2,066,104	1,722,810
Pennsylvania -	2,319,061	1,510,546	5,013,007	3,225,400
Delaware -	<i>But little.</i>	-	332,272	330,500
Maryland -	<i>Little.</i>	-	1,150,880	1,304,400

The census returns of 1840, though ample in details, are deficient in a table of aggregates by States. The census returns of 1810, as digested and completed by Mr. Tench Cox, contained such a table for that year: it is to be regretted that the returns of 1840 do not contain a similar one: they would give us the comparative view of the manufactures of the two periods, and show us how much they had advanced in thirty years. I would have made the table myself, and presented it in comparison with that of Mr. Cox; but many of the articles being returned by quantities, without values annexed, the labor of hunting out these values in prices current, and then calculating the whole, was too much for my time. Thus, the article of iron is carried out in tons—286,903 tons of cast, and 197,233 tons of bar, being returned as the annual product of the whole Union. The product of the fisheries is returned in quintals (112 lbs.) and barrels for the fish, and gallons for the oil. Thus, 773,947 quintals of dried fish; 472,539 barrels of pickled fish; 4,764,708 gallons spermaceti oil; 7,536,778 gallons of other oil; while the article of whalebone, and some minor items of the fisheries are alone returned in value, and this part amounts to \$1,153,234; and all this upon a capital of \$16,429,620 invested in these fisheries. The annual gross product of this capital is probably dollar for dollar: yet the western farmers, who are getting but ten or twelve per cent upon their investments, must be taxed 75 per cent on Liverpool salt, 100 per cent on Turk's Island, and nearly 200 on Mediterranean salt, to give the fisheries a pretext for drawing off illegally and unduly about \$350,000 of fishing bounties and allowances,

annually, from the treasury, under the assumption of a drawback of the amount of duty paid on the salt exported on the exported fish; when the fact is that they get the drawback on all the fish consumed in the country, as well as on the exported part; and, besides that, use much domestic salt, which has paid no duty at all! and are getting the bounty at the old rate of 20 cents a bushel on salt, while the duty now is reduced to eight cents!

Not having an aggregate of manufactures, by States, for 1840, in the census of that year, I am driven to other sources, and to conjecture, to form an opinion of it. Looking to these other sources, and I find in our Congress library a return of the manufactures of Massachusetts for the year beginning the 1st of April, 1836, and ending the 1st of April, 1837, in which both the details and the aggregate of that great branch of industry for that State are fully and carefully given. The report was made under the orders of the legislature, and published by its authority, and may be relied upon as correct. The value of the year is made upon the average of the five preceding years; so that the time of the product reported, refers itself to the years 1834-35. This report, thus made up, and after leaving out 6,853,248 dollars of ship-building, gives 86,282,616 dollars as the product of a single year's manufacturing industry of that State. This is an enormous sum. Carried forward from the time to which it refers (1834-35) to the year 1840, which is the proper point of contemplation and comparison, and the amount cannot be less than one hundred millions of dollars! What a stupendous production for a population of 737,699 souls, and a territory of 8,000 square miles, and which has but two native articles of export—ice and stone! Why, sir, it exceeds the agricultural export of the whole Union; it exceeds the foreign trade of the whole Union; and if the rest of the Union was in proportion to Massachusetts, the manufacturing industry of the whole would now be one thousand millions. Taking Massachusetts as the criterion, and it would be that much. Thus, in 1810, the aggregate of her manufactures was twenty-one millions of dollars; it has multiplied five fold in thirty years; the same increase through the Union would give one thousand millions! But other States have not increased as much, and three or four hundred millions may be deducted. Six or seven hundred millions may be the product of the Union: but let us confine our attention to Massachusetts, about which there is no doubt, and which is at the head of the manufacturing interest of the country, and the great advocate of the tariff. Her manufactures, beyond dispute, have increased five fold in thirty years! and now, what have agriculture and foreign commerce increased during the same time? The lamentable tables which I read yesterday, answer this question: and show that, with a population more than doubled, with an extent of territory brought under cultivation, also more than doubled, and with the great article of cotton added, which constitutes nearly two-thirds of the whole—the great interests of agriculture and foreign commerce remain now where they were thirty years ago! And yet the farmers, the planters, and the merchants, are required to take the manufacturing interest in their arms, and carry it like a babe in a cradle.

Manufactures are now well established: there is another document which proves it as conclusively as the census returns: I speak of the document of Commerce and Navigation annually published by

order of Congress; and in which, among other things, there is shown to be a large exportation of domestic manufactures! The amount and variety of these exportations prove the fact of their complete establishment, and ability to contend with their foreign rivals abroad, as well as at home. The value exported last year amounted to near nine millions of dollars; comprehending near sixty varieties of articles; of which cotton goods amounted to three millions of dollars; and iron, in the form of pig, bar, castings, nails, &c., to one million one hundred thousand. These articles go to Europe and to Asia—to Mexico, South America, and the West Indies—there to contend, without protection, and burdened with costs for freight and other charges, with the rival articles of all parts of the world! And while they do this abroad, are they in need of enormous protection from high duties, and prohibitory duties, and prohibitory minimums, at home? Is the cotton, worn at home, to pay an enormous duty, while it is worn abroad without duty? Is the *fustian*, which is worn by the day laborer in the United States, to pay one hundred and forty-five per cent duty, when it can go abroad, and be sold to the South American or the Asiatic without duty? And so of all other cotton articles, the manufacture of which was fully established, as Mr. Tench Coxe has proved, above thirty years ago? Our export of domestic manufactures is now greater than that of any agricultural article, cotton only excepted. It is greater than that of tobacco, flour, salted provisions! And while this is the case, can manufactures stand in need of enormous protection, at the expense of these articles?

Manufacturing industry has had, and still has to a large degree, the sympathies of the western people. It rested upon arguments which went home to their bosoms—to their generosity and their patriotism. Will you not protect home labor against foreign? Will you not make your country independent of Europe for what is necessary to independence, and to comfort? Will you not be independent in fact, as well as in name? The brave son of the West answers, Yes! and shoulders any load to accomplish the object. But the time is come for him to see that his generous and patriotic feelings have been sported with—in fact, that he has been most magnificently humbugged and bamboozled—that, instead of providing for the independence of his dear country, he is only enriching still more inordinately those who are already a thousand times more prosperous than himself.

Manufactures are in no need of the enormous protection which the act of 1842 gives them: they need but little, and I am willing to give them far more than they need. I am ready to give them the protection resulting from the highest revenue duty, say 30 or 33½ per cent.—which, with the costs and charges, and the importing merchant's profit, is a protection of full 50 per cent. against the foreign rival. A difference of 50 per cent is half the battle! and the manufacturer who cannot stand his ground with that difference in his favor, has certainly mistaken his vocation.

But 50 per centum protection is not the only protection which our manufacturers would now enjoy: they now have the advantage of the same measure of values which is used in other countries, and which will enable them to sell in the same markets, and against all competitors. We now have gold and silver in the country, the true measure of all values—the only standard of all prices—the safe protector

of all labor. Since the gold bill of 1834, and the silver bill of the same year, one hundred and twenty millions of gold and silver have been imported into the United States; and the importation still continues, and can be carried to any amount that we please. Twenty-four millions were imported last year, of which seventeen and a half millions were in gold. Since I have sat in this chair—that is to say, since the year 1820—one hundred and eighty millions of silver, and fifty millions of gold, making two hundred and thirty millions of hard money, have been imported into our country, of which one hundred and twenty millions, and forty millions of it gold, now remain. This gives a hard-money currency to the country, and that currency is the safe and steady protector of all labor. Manufactures now have the advantage of this currency, worth more to them alone than any tariff that ever was invented in extravagant paper-money times. Joined to incidental protection from revenue duties, and to other advantages resulting from position, from cheapness of provisions, light taxes, abundance of raw materials, free institutions, and above all, from future STABILITY, and it is impossible for them to do otherwise than well. I wish them to do well. I shall endeavor to make them do well: but cannot consent to sacrifice other great interests to their exclusive and inordinate prosperity.

Mr. President, I have thus far spoken for the whole Union. I must now say a word for the Great West—that vast region so fertile and so patriotic, and which now appears with twenty senators and near one hundred representatives on the floor of Congress. This great region is agricultural. It wants foreign trade. Its exports are tobacco, flour, grain, beef, pork, bacon, and other productions of the farm. We have seen how greatly the trade in all these articles flourished under the low duty system, and how sadly it has declined and sunk away under the system of high duties. If the good of the Union required this Great West to submit still longer to this decline of its trade, I undertake to say that patriotism and love of the Union would induce it to submit: but when the only object is to give undue advantage to a particular interest—to enrich inordinately one overgrown interest, at the expense of all others, and at the expense of the harmony of the Union besides—when this is the case, patriotism and reason forbid the sacrifice, and require a return to that system which favors its own interests, without being injurious to any other, and under which the whole American people, so far as the tariff was concerned, was a family of brothers.

Besides the articles just mentioned, the Great West has others, now becoming considerable—too large for home consumption—and greatly requiring the outlet of a foreign market. Hemp, the product of many western States, is one of these articles: it is already beginning to go to Europe. It has been shipped from New York and New Orleans, and sold in Liverpool at a saving price. Lead is another of these articles. It is the product of two large States, and of two Territories, which are soon to become large States, and is inexhaustible in quantity. In the times of reckless banking and inflated paper currency, a tariff of protection was demanded for the home consumption of this article—as if any tariff could protect individual or national labor from the depredations of a paper money currency! Since gold and silver have become the currency of the miners, these same people export lead to Europe and

to China; and the novel export is increasing with a rapidity unknown in the history of any article. In 1839, the quantity exported was 81,377 pounds; in 1840, it was 882,620; in 1841, it was 2,177,000 pounds; in 1842, it was 14,552,357; and, in the first three quarters of 1843, which is as late as the accounts have been made up, it was no less than 15,000,000 of pounds. This is an immense item to be added to western exports. Joined to the exportation of hemp, and it gives to the Great West a great additional interest in the success of foreign trade.

Turning to myself, and to my own conduct in relation to the tariff, I can say that I voted for the act of 1824, cordially; for that of 1828, reluctantly; that of 1832, with more satisfaction, because it reduced duties on many necessities, especially on coarse woollens, and coarse blankets, which it brought down to five per cent.; that I voted against the compromise act because I thought the horizontal line wrong in principle, and for other reasons; voted against the act of 1842, because I really believed it not only bad, but the worst act that ever has been passed on the subject. Now I make a speech in favor of returning to the old revenue system before the war. In all this time my feelings on the subject have never changed. I am now, and always have been, in favor of a manufacturing industry, as well as that of agriculture and commerce. I look upon each to be a great national interest, entitled to the support of the statesman. In their degrees of relative importance, I hold agriculture, which furnishes the means of subsistence to man and beast, to be the first; manufactures, which fashions the crude material for the use of man, I hold to be the second; and commerce, which exchanges the superfluities of nations, I hold to be third. But, while they have their relative degrees of importance, they are

all great interests, auxiliaries to each other, and never to be brought into conflict. My feelings with respect to either of them is not changed; but twenty-four years' attention to the question of manufactures has increased my stock of knowledge upon that subject, and leaves me with the full conviction that the incidental protection which we contemplate, and the other aids mentioned, will be an ample support of that great and meritorious branch of the national industry. When the high-duty system began, all declared it was to be temporary—it was only to continue a few years, until manufactures took root. Now they are to be perpetual. When first introduced, they were resisted by the capitalists of Massachusetts. It required many years for the politicians to seduce them into the new system; but they did it at last, by the extravagant bounties which they offered; and now, with their enormous profits, it is not in human nature for them to be willing to relinquish the benefits they enjoy. With their twelve, and fifteen, and seventeen per cent of half yearly dividends, and a surplus re-invested, or laid by for division in the lump, they are unwilling, and very naturally, to return to twelve, or fifteen, or seventeen per cent per annum.

Let there be no panics—no alarms. The high tariff candidates for the presidency and the vice presidency were defeated in 1832: the bills then introduced in the House of Representatives showed that manufactures had nothing to fear from the issue of that election; that discrimination and incidental protection was the basis of democratic policy; and that every interest of the country would be duly sustained. The same now. The success of the democracy in 1844 will be auspicious to every interest, and as much so to manufactures as to any other.

Samuel Myers

Tariff

Woodbury, N. J.
1789-1851

Woodbury's

SPEECH.

In Senate, February 7 and 8, 1844—On the resolution to postpone indefinitely Mr. McDUFFIE's bill to reduce the present tariff.

MR. PRESIDENT: AS one of the committee that reported this resolution, I was against it; and have heard nothing since to reconcile me to its adoption. I am for action now on the modification of the present high tariff, and for the prompt passage of the bill introduced by the senator from South Carolina, [Mr. McDUFFIE,] amended as it may and should be in some respects, if the motion to postpone does not prevail, so as to mould it into a form more acceptable to most of the great interests and great sections of the country. My object is to present some reasons why the exorbitant and partial rate of duties on imports which now exists should not be tolerated a single day longer than is required to make the change judiciously.

I shall speak to the merits of this proposition solely. I intend to treat it as a practical question—one vital to twenty millions of people—rather than an abstract theory, or affecting the welfare merely of small regions and small classes.

We have been asked to rely on facts rather than speculations. Such a course was proper; and as, in every controversy, a variety of facts is involved, appearing often different to different persons, equally honest, but not equally inquiring, or connected with the transactions, my great effort will be to throw new light on the facts which bear upon the subject. Settle some of the doubtful facts, sir, and there will be much less difficulty as to principles; for, while men and events change, principles are eternal. Looking, then, to all the real circumstances connected with the present high and unequal tariff, whether it be a measure for protection or revenue, and the following facts seem to require its amendment without delay.

In the first place, it could not have become a law, except as a temporary measure, in a great exigency. It was voted for by no one as a new experiment, which might require years of experience, in order to develop the propriety of its continuance or modification. The system involved in it had been previously tried for near a generation, and found wanting. It had been in operation till its impolicy and oppressions con-

vulsed the Union from its centre to its extremities. It had been deliberately abolished by a union of its former friends and foes; and, so far from its having now become sacred—forbidding any agitation of its character, and requiring us to wait longer for further developments of its good or evil,—the speeches of several gentlemen on its passage, prove it was intended to be amended at an early day. It passed here by a majority of only one; and, in order that the Senate may see that no mistake exists in imputing such opinions to some without whose votes here the bill must have failed, I will trouble the Senate, by reading to them an extract or two from the debates on that occasion. The distinguished senator from New York, [Mr. WRIGHT,] declared that it was *bad, and loaded with defects*. (Appendix to Globe, 953 p., for 1842.) But the only choice was between this measure and none at all, (955 p.;) and he felt obliged to act under "*the disagreeable alternative of a very bad bill, and no revenue and no collection laws.*" Another member, [Mr. WILLIAMS,] then the colleague of the chairman, [Mr. EVANS,] who deprecates touching the present tariff, and enlogizes its provisions so highly, voted for it under the deliberate expression, *that the bill, as a whole, is highly objectionable*, (957 p.)—that he would not hesitate to vote against it, if any other provision could be made; but he supported it to "enable government to continue its operation, until the people shall have another opportunity of selecting agents to represent them in another Congress; and whatever is wrong in the provisions of this bill (and there is much of it) may then be corrected."

The senator from Pennsylvania [Mr. BUCHANAN] also had the candor to declare the bill to be objectionable. But the choice was, in his view, *between that or none, and financial disgrace*. "I shall accept (said he) this now, as much the least of two evils, and look forward with hope to better times for an adjustment of the tariff on a scale more consonant with all the great and various interests of the Union, without sections." (951 p.)

The President also (without whose signature the bill would not have become a law) contemplates, in his message, that a revision of it may now be proper.

But, sir, there is a higher authority than all these with gentlemen opposite, in favor of examining into the provisions of the existing tariff, and correcting

any of them, if erroneous. Mr. Clay, in a letter written last September, says concerning the tariff of 1842:

"If there be any excesses or defects in it, (of which I have not the means of judging,) they ought to be corrected." But as to the tariff of 1828, he was well acquainted with "the circumstances which gave birth" to that. "They are highly discreditable to American legislation:" and that was a "high tariff," "eminently deserving that denomination." Now, those well acquainted with the act of 1842, know it to be not only as high a tariff, in many respects, as that of 1828, but in some, higher; and if the former was on that account discreditable to American legislation, this is worse, and therefore should be at once corrected. Other circumstances connected with it were similar. It originated in importunities from only one small class in society; was partial, and unequal in its burdens for their benefits; and tended to exact tribute from the rest to sustain them alone. Did any gentleman who had not examined the details critically, deem this a mere opinion founded on loose generalities, and consider it impossible that, after the fatal effects which flowed from the high tariff of 1828, a majority of any Congress could proceed to renew several duties quite as high, and indeed much higher? Let him, then, look to the recorded facts in our own statute books, from which a tabular statement has been compiled by me, a few items in which I will take the liberty to read. [Appendix, table No. 1.]

Here are eighteen distinct articles, each of which is higher, under the present tariff, than that of 1828. Among them are the important items of cordage, cotton cloths,* cotton bagging, some kinds of glass, iron, shoes and boots, with molasses, crockeryware, and woollens. If salt and sugar were at a specific rate of duty nominally less, they were burdened higher in proportion to their present value. Many of these articles were great necessities of life, whether in the log cabin or palace, or on the vessel's deck, freighted with the rich spices and silks of India, or the western keel-boat and gallant steamer, loaded with the labors of the hardy farmer across the Alleghanies; and when cordage is now taxed four and a half cents, instead of four, per pound; steel two dollars and fifty cents, instead of two dollars a hundred; shoes thirty, instead of twenty-five cents a pair; and crockeryware fifty per cent. more than the former impost,—can any one say that, if the act of 1828 was high or discreditable, or a bill of abominations, this is not higher, and more discreditable?

I will not go through all the articles where the parallel is drawn before me in the table, lest it might prove tedious. But there were weighty reasons, beside these, for an early revision of the present tariff. In its general character and design, it was framed, not for revenue, but protection, and that protection direct, and chiefly to one class of the community, which being a small one, in proportion to the whole; it thus endangered, if not sacrificed, the interests of the many, to aid a few. Whenever any of its provisions have been moulded differently to accomplish this purpose, it is a departure from sound principle, being a purpose not financial in its origin or tendency,—not in conformity with the sound principles of taxation, nor permissible for

other objects under the spirit of our confederated form of government, where no such power is expressly granted; and every power not so granted is reserved to the States and the people.

I shall not, however, on this occasion, investigate the mooted question of its constitutionality, because time for such an argument does not exist, without omitting much that tends to demonstrate the propriety of amending such a bill, on great principles of justice and equality in legislation, older than all constitutions, and paramount to every technical consideration.

I proceed to offer facts to prove that the present tariff is such. It was prayed for, in many respects, by the class of the community—manufacturers. Its adoption was taken only as to the influence of many of its provisions to aid one class. The passage of them, in their present form, was advocated as necessary for the protection of that class; and, however some other considerations as to revenue or consequential benefits to other classes may have mingled with the paramount object in giving the present extraordinary form and pressure to most of the rates of duty, yet the interest and protection of manufactures were the Alpha and Omega in the numerous departures which occur in it from the sound revenue system which existed here from the foundation of the government until the derangements of industry during the last war. Prior to that event, (as I will explain more fully hereafter,) the highest range of duties on foreign imports had never swollen above 15 per cent, with two and a half more for a time, on account of the Mediterranean fund, to raise means for humbling the piratical powers on the coast of Barbary. Those were truly revenue and not protective taxes, except that incidental protection to all classes which always results to all branches of protective industry from any impost, however small, on rival imports from abroad. But the double duties for revenue, during the war, with the increased difficulty in obtaining supplies from other countries, had given a new impulse to several domestic manufactures, and when peace arrived, those engaged in them deprecated the injury likely to flow from the large import and consumption of foreign articles similar to their own. Accordingly, to protect them, and them alone, and that but temporarily, the addition of near 42 per cent. was made to several of the duties, as before graduated, on the peace standard for revenue; and, so far from its being pretended that this addition, deliberately placed on rival productions only, was solely with a view to revenue, it was admitted and proposed to be done, directly for the purpose of protection, and that chiefly to the manufacturing interest alone. Before me is Mr. Dallas's report, in February, 1816, formally declaring that such protection was desirable, and selecting the articles which most needed it, and recommending the amounts of duty on each, which he considered likely to yield it.—[See 3 State Papers—Finance, p. 9.]

What class, after six years' trial, became dissatisfied with this amount of direct protection, and asked for and obtained more in 1824? Who again in 1828? and who again in 1842?

There is no pretence that the further increase of duty in 1824 and 1828, on the former protected articles, was demanded or imposed for the purposes of revenue. One of the supporters of the bill of 1828, now a member of this body, [Mr. Wright,] frankly admitted, in July, 1842, "that the tariff of 1828 was avowedly passed for protection; and if con-

* In a subsequent part of Mr. W.'s speech, he referred to one case where printed cottons, under the act of 1842, paid a hundred per cent. more than they did under the high rates of 1828 and 1824. Mr. Simmons expressed a wish to learn how Mr. W. made this out; and he replied, giving the details.

considerations of revenue had any connection with it, they were only incidental to the main object of protection." *Appendix to Globe*, p. 653, for 1842.

As little can it be pretended that similar provisions, asked by similar persons, and for similar objects, in 1842, were not cast into their present unequal, high, and oppressive form, for the same objects as before—the direct protection of the single class of manufacturers. I admit that we needed more revenue in 1842. But it is manifest that we could easily have obtained as much as now from a duty on foreign imports not averaging over 20 or 25 per cent.; or, if obliged to go higher in any case, under the impression, usually erroneous, that by going higher a larger aggregate amount can be obtained, it is equally manifest that we ought to have gone higher, on luxuries, rather than necessities; and on such articles as would throw the tax, according to the ability to pay, on property, rather than the person, and not make taxation doubly odious and oppressive, as is done by this tariff, through its operation almost as a poll tax, making the poor pay *per capita* nearly as much to the support of the general government as the wealthy. Such oppressive provisions were, therefore, not designed for fair fiscal purposes, but for protection to a favorite class, possessed of great enterprise and political influence, I admit, and equal rights with others; but no more moral, useful, or patriotic, than most other classes of the American people; and having a very small proportion of numbers and capital to be protected compared with the whole Union. As the mere revenue standard, in some countries, has not exceeded 10 per cent., and in others 15 or 20; and we did not exceed the latter during near a quarter of a century, I propose to show, by figures, that the present duties are, in many vital respects, far above that standard. I hold in my hand a statement of the rate now imposed on several articles above not only 20, but 30 per cent. And I am the more anxious that the Senate should note the numerous and great excesses into which the act runs, from the circumstance that some deny the high protective character of any part of the present tariff; and many who doubt it, are unable to verify their apprehensions with accuracy, because most of the duties being specific, and the cost of the articles abroad not known, the real per centage of the tax on their value is concealed and not able to be ascertained, except at the treasury.

But fortunately, in 1840, a document was obtained from the Treasury Department, which gave the cost and charges and quantities of all important articles imported in that year. Thus everybody can reduce the specific rate to one *ad valorem* for that year; and are since enabled to do the same; where the cost of the article has not materially changed. In order, however, to verify my own computations, and correct any changes in value since, I have compared my statement with one which has been obtained officially from the Treasury Department; and it is in this way rendered as accurate as is possible in the nature of things. [Table No. 2.]

What, Mr. President, do you believe has been the general result? Only four or five, or, at most, a dozen articles on which the community are taxed over the highest revenue standard of 30 per cent. No, sir; but forty-one articles. And that without including seventeen varieties of iron manufacture, and as many more of cotton. These forty-one also include most, if not all, of those great necessities of life which we import; and among them seven, which

are so burdened as to pay over fourteen and a half millions of dollars; out of twenty-one that would accrue on imports no larger than those of 1840. [Table No. 3.]

Does the Senate suppose, however, that the duty imposed in these cases merely crossed the true line of revenue a few cents or fractions, and therefore not enough to change the leading features of a revenue bill? If so, they must be surprised to learn that some descriptions of them reach 50, 80, 100, and even 150 per cent. Thus: boots and shoes pay from 50 to 75 per cent.

What was the duty, also, on coal, used largely on the seaboard by all classes, and especially in the freezing inclemencies of weather now agonizing the poor and distressed of our cities? Quite 61 per cent., (by the official computation of the department,) or more than double the highest true revenue rate. The duties on cordage—an article of universal use, in some form or other, from the St. Croix to the Sabine, and even to Oregon—ranged from 71 to 188 per cent. Cottons—which, more or less, helped to clothe all classes—paid from 40 to 63 per cent. Woollens rose still higher. Sugar—which sweetens the cup of all—swelled to 71 and 101 per cent. Salt—which was gloriously free in that country so often sneered at by us as deeply oppressed—paid, by this tariff, near 80 per cent., and some kinds still more; while iron—one of the great instruments to vanquish the earth, as well as our enemies, and carry on our whole domestic and foreign commerce—is from 45 to 77 per cent. Indeed, the hammer and the anvil of every blacksmith's shop in every village of the Union, are loaded with some of the highest of these duties; and the oppression from them, in a thousand other forms, is carried into every kitchen and farm-yard of the whole republic.

Again, if this tariff was not intended for direct protection to manufacturers rather than for revenue, why were not its highest duties and greatest collections from luxuries and the elegances of life, rather than necessities? This is the course elsewhere. In England, for instance, tobacco is made to yield near seventeen millions of revenue yearly, and spirits about thirteen millions by customs, and near twenty-five millions more by excise—sums ranging not far from our whole income on imports. But we burden highest the prime necessities of life, and collect from sugar, iron, woollens, cottons, linens, molasses, and silks—most of them indispensable in every cottage and every degree of latitude and longitude over our wide domain—the great mass of our whole revenue on foreign merchandise.

Here is a detailed statement, computed on the latest data accessible, and showing that those articles alone probably pay more than three-fourths of the whole. (See No. 3.) I challenge any plausible reason to be assigned for this odious and oppressive discrimination, except that every one of these articles has rival productions here of a manufactured character, intended thus to be directly protected.

Should a doubt remain that the present tariff was modelled to accomplish that favorite object to manufacturers, and not to aid at the same time, by like and equal protection, the interests of agriculture, manufactures, and commerce, (which is frequently pretended,) let him listen a moment to a fact or two more, which alone are sufficient to silence forever any such pretence.

What, sir! Tell the hard fisted farmer that he is equally watched over and protected by the bill, when almost every production, agricultural and

otherwise, which is the raw material for a manufacture here, is unprotected—exonerated from any but a small duty, or made entirely free; and when, at the same moment, the manufacture from that production is protected highly, and often oppressively, at the expense of the farmer who is obliged to purchase it? That the Senate may see that this offensive discrimination is not accidental, or confined to two or three cases only, and that it is not a tariff of equal protection to all, I have prepared a schedule from the acts of Congress themselves, now before me, from which it appears that, in fifteen instances at least, and as to some very leading articles, the imports of three of which alone exceed, yearly, four millions of dollars, the producer of the raw article has the protection of only one, five, and fifteen per cent. generally, while in every instance the manufacture working up the raw article, has a protection ranging from twenty-five to one hundred and thirty per cent. (See table 4.)

Thus, while the farmer gets the protection of only nine per cent. on his raw flax, the manufacturer of it into cloth obtains on that from twenty-five to fifty per cent. And while rough wood gets the aid of but twenty per cent., those who make manufactures from it, have thirty; and while cheap wool was long free and now had but five per cent protection, the farmer is obliged to go and pay for protection to the manufacturer making carpets and cloths for him from the same wool, sixty per cent. He was assisted as to his hides, (of which almost every agriculturist raised some,) but five per cent.; while the manufacture of leather from them, which the farmer was compelled to buy for his family, received thirty-five per cent. protection.

[Some senators here smiled, and said not his own hide.]

No, sir; as to that, he has been skinned so often, and so patiently, the high protectionists seem to imagine that, like the boy's eels, he will continue to bear it without complaint, because he is so used to it. No, sir, they are the hides of the herds that graze on his verdant pastures, which are thus discriminated against; and though the hemp which may grow in the fields contiguous in Maine and Vermont, as well as in Kentucky and Missouri, is better protected, and so high as to burden much the ship-builder; yet the manufacturers, using up that very hemp, obtain for their cordage and cotton bagging over a hundred, and in some cases, over two hundred per cent. more than the rate on the raw material. Again: the maker of brass kettles—an article so widely used—obtains from every purchaser the benefit of a duty of twelve cents a pound; while the raw material is imported free. The boasted protection to the silk-grower is of the same character, when, in household economy, the aged and young may economically raise cocoons and receive fifty cents a pound as a protective duty; but are obliged to pay the manufacturer on the very article made from those cocoons, and bought for their own wear, a protective duty of five times that amount, or \$2 50. The specifications might be much farther extended, did time permit; but the table itself is at the service of any gentleman who wishes to see all the cases; and there is annexed an enormous list of articles admitted entirely free for the benefit of the manufacturer, (see No. 4.) What has been the way in which the farmer was deluded to overlook this system of direct partiality against him and his great interests? It has been by keeping these unjust discriminations in the back ground, and push-

ing forward cases of agricultural productions, on which the duty was high; but which, as the chairman [Mr. EVANS,] admitted were articles so abundant here that they needed no protective duties—no, sir; no more than the ice and granite of New Hampshire. Hence, when the producer of the raw material here (as in the former cases) finds it more difficult to grow and compete with the producer abroad, he receives less aid, or none; but when he can easily and abundantly grow an article, and compete with a whole world, without artificial protection, the friends of the American system offer to him very high duties. They sternly withhold what he wants, but kindly bestow what he does not want. It is a curious circumstance, also, that the agricultural articles favored with a higher duty, are all those from which little or nothing is manufactured here, and hence the friends of the American system have no interest against their being high; nor are the duties, in this last class of cases, made high for revenue, any more than for real and needed protection. Because the aggregate imports of the whole eleven articles were, in 1840, but \$71,547, yielding a revenue of not over one-third that sum, while the aggregate imports of only three of the fifteen other articles, not protected fully or equally, were fifty-seven times larger than all of these. The tendency, then, if not the object of the duties, which are high on agricultural products, is mere show, or visionary. It has been to throw dust in the eyes of the community on this subject, and sustain one of the delusions which has misled so many farmers into the erroneous belief that their interests were, in reality, protected as much as those of the manufacturers. In order that Senators may see the particulars on which my remarks to this last point are grounded, here is a schedule of these articles, the duty on each, and the whole imports of them in 1840—some reaching only the paltry sum of seven dollars, and some nothing. (No. 5.) Now, sir, if, as a matter of fact, I have proved this bill to be shaped on a system of high discriminating duties for the direct protection of manufacturers, rather than all classes, and, in many respects, for that, and not for revenue, it follows, even if it be within the purview of any technical words used in the great charter of our liberties, that it is hostile to the spirit and the compromises which created, and which alone can sustain that charter; hostile to the equal interests and claims of great sections, classes, and industrial pursuits; hostile to the true welfare of the majority of the whole, as a whole; and hostile to their harmony and peace, as well as the perpetuity of the Union itself.

I am aware that the preamble of the act of 1790 has been cited as an evidence that the direct encouragement of manufactures was one of the objects of that act. But when the rate of duties contained in it is adverted to, (a skeleton of which he held in his hand—table No. 6,) it would be seen that none of them was higher than a moderate revenue standard. Most of them did not exceed 5 and 10 per cent.; and consequently nothing could have been intended by them beyond that incidental encouragement to manufactures which all revenue tariffs must yield, when founded on pure revenue principles. Our fathers concluded to encourage manufactures, by collecting a large portion of their revenue from imports, rather than deriving it all from direct taxes and internal duties. Indeed, their rule, like mine, was to collect, if needed, all the revenue from imports which they will yield without going higher

in the rates than a revenue standard, and what is consistent with the preservation in full vigor of our foreign commerce. But all wanted beyond that should be obtained from other sources; and, happily, our lands will usually, with that, yield sufficient for all the expenses of an economical government in time of peace. It is not inconsistent with free trade that the imports help, in a due proportion with other property, to pay the public expenses.

But when, in 1794, and 1798, and 1812, our fathers needed more revenue than could be obtained from moderate duties—no higher than a revenue standard—they resorted for the rest to taxes on land and excise. Their actions spoke louder than any words—especially when the latter are open to misconstruction—and they never deemed it proper, under the spirit of the constitution, to encourage manufactures by express prohibitions of foreign articles, or by implied prohibitions, through exorbitant imposts of a prohibitory tendency. On the contrary, in all the pressure of a heavy revolutionary debt—the large expenses of a *quasi* war with France—and our controversies with the Barbary powers, as well as our Indian border foes—they never, as a general rule, though needing more revenue, increased the rates of duty beyond fifteen per cent., or seventeen and a half including the Mediterranean fund. Here is the evidence of the fact, (table No. 6;) and it is conclusive proof that no such restrictive system for manufactures, like the act of 1842, was ever deemed within the true spirit and policy of the government. It is not a little curious, that, when annoyed by foreign prohibitory imposts, and with their own tonnage also comparatively small, neither Mr. Jefferson, in his able report, in 1794, on our foreign commerce, nor Mr. Madison, in his celebrated resolutions founded thereon, ever proposed any higher duties than ten or fifteen per cent., except as a mere war measure of retaliation; and that never, in fact, till war itself came, in 1812, with all its burdens and horrors, and the American protective system followed, in 1816—aggravated again, till it became, in 1828, little, if any, less burdensome and terrific than war itself—did any of the revolutionary school of statesmen think proper to impose duties higher than fair revenue ones, or which tended, except incidentally, to protect any one branch of national industry, at the expense of the rest. It is still more curious, that even Hamilton—so much relied on by the manufacturers as an advocate of their system—argues strongly, in the *Federalist*, (page 204,) that the power given in the constitution to collect taxes from other sources than imports was meant to prevent such high duties on imports alone as would yield direct encouragement to manufactures, and injure commerce and agriculture, as well as revenue, and was with a view to enable Congress, rather than do that, to keep the duties at a revenue standard, and resort for additional means, if needed, to taxes of a different character. His words are these, (*Federalist*, page 204:)

"Suppose, as has been contended for, the federal power of taxation were to be confined to the duties on imports; it is evident that the government, for want of being able to command other resources, would frequently be tempted to extend these duties to an injurious excess. There are persons who imagine that this can never be the case; since the higher they are, the more it is alleged they will tend to discourage an extravagant consumption, to produce a favorable balance of trade, and to promote domestic

manufactures. But all extremes are pernicious in various ways. Exorbitant duties on imported articles serve to beget a general spirit of smuggling, which is always prejudicial to the fair trader, and eventually to the revenue itself; they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets: they sometimes force industry out of its most natural channels into others in which it flows with less advantages; and, in the last place, they oppress the merchant, &c., &c."

This is noble and manly reasoning—considering it comes from one so often quoted as favoring the American system—and is worthy to be written in letters of gold for the perusal of all its indiscreet friends.

Again: who of his school—who then ever dared to propose absolute prohibitions of foreign rival commodities, as is done in the absolute governments of Europe, and under the powers of the English and French governments, so much more unlimited than ours? Yet what is the difference in principle—in political substance and in morals—between a direct prohibition and one incident by prohibitory duties?

And now when old reasons for retaliation have mostly become obsolete—the reasons of infancy in the growth of manufactures, so as to need direct aid, ceased, we are driven into a prohibitory system more ultra than was ever before attempted in the worst time. Is this anomaly opposed now, or was it, in practice, opposed before 1816, because the friends of free trade then or now resist protection? No. They favor protection to the persons and property of all; that is equal protection—equal justice. But what has astonished me most is, that in this debate, as well as elsewhere, attempts have been made to make the restrictive system lean on Franklin's staff for support; when, from early life, I had always supposed that the opinions of Franklin on free trade were decidedly of the Colbert and Adam Smith school; and that, so far from the free trade notions having originated, since his day, here, and being likely, in the views of the chairman, [Mr. EVANS,] not to survive their authors, I thought they had lived already much beyond their authors abroad; and, as becoming better understood, were making converts on both continents, among the ablest minds, as well as the great masses of society. In order to see how the real truth was on this controverted point concerning Franklin, and the conclusions to which his great experience and unrivalled sagacity had reached on this subject, I have taken some pains to run through portions of his works, and without giving much that is pertinent will trouble the Senate with a few extracts from them.

In volume 6, p. 157, he says:

"We see much in parliamentary proceedings, and in papers and pamphlets, of the injury the concessions to Ireland will do to the manufacturers of England, while the people of England seem to be forgotten, as if quite out of the question. If the *Irish* can manufacture cottons, and stuffs, and silks, and linens, and cutlery, and toys, and books, &c., &c., &c., so as to sell them cheaper in England than the manufacturers of England sell them, is not this good for the people of England who are not manufacturers? And will not even the manufacturers themselves share the benefit? Since, if cottons are cheaper, all the other manufacturers who wear cottons will save in that article; and so with the rest."

Page 533:

"I am not enough master of the course of our commerce to give an opinion on this particular question; and it does not behoove me to do it; yet I have seen so much embarrassment and so little advantage in all the restraining and compulsive systems, that I feel myself strongly inclined to believe that a State, which leaves all her ports open to all the world upon equal terms, will by that means have foreign commodities cheaper, and sell its own productions dearer, and be on the whole most prosperous."

Volume 4, p. 170:

"Perhaps, in general, it would be better if government meddled no farther with trade than to protect it, and let it take its course. Most of the statutes or acts, edicts, arrets, and placards of Parliament, Princes, and States, for regulating, directing, or restraining of trade, have, we think, been either political blunders, or jobs obtained by artful men for private advantage, under pretence of public good. When Colbert assembled some wise old merchants of France, and desired their advice and opinion how he could best serve and promote commerce; their answer, after consultation, was in three words only—'*Laissez nous faire.*' Let us alone. It is said by a very solid writer of the same edition, that he is well advanced in the science of politics, who knows the full force of that maxim—'*Pas trop gouverner*'—not to govern too much; which, perhaps, would be of more use when applied to trade, than in any other public concern. It were therefore to be wished that commerce was as free between all nations of the world, as it is between the several counties of England: so would all, by mutual communication, obtain more enjoyments."

As to this article just quoted, Mr. Whately drew up most of it, and Franklin revised and approved it, and it is published in his works.

Again, in an essay entirely his own, (vol. 5, p. 417 and 418,) he says:

"Several of the princes of Europe have of late, from an opinion of advantage to arise by producing all commodities and manufactures within their own dominions, so as to diminish or render useless their importations, endeavored to entice workmen from other countries, by high salaries, privileges, &c. Many persons, pretending to be skilled in various great manufactures, imagining that America must be in want of them, and that the Congress would probably be disposed the imitate the princes above mentioned, have proposed to go over, on condition of having their passage paid, lands given, salaries appointed, exclusive privileges for terms of years, &c. Such persons, on reading the articles of confederation, will find that the Congress have no power committed to them, nor money put into their hands for such purposes; and that if any such encouragement is given, it must be by the government of some separate State. This, however, has rarely been done in America; and when it has been done, it has rarely succeeded, so as to establish a manufacture, which the country was not so ripe for as to encourage private persons to set it up—labor being generally too dear there, and hands difficult to be kept together, every one desiring to be a master, and the cheapness of land inclining many to leave trades for agriculture. Some, indeed, have met with success, and are carried on to advantage; but they are generally such as require only a few hands, or wherein great part of the work is performed by machines. Goods that are bulky, and of so small value as not well to

bear the expense of freight, may often be made cheaper in the country than they can be imported; and the manufacture of such goods will be profitable wherever there is sufficient demand. The farmers in America produce, indeed, a good deal of wool and flax; and none is exported, it is all worked up; but it is in the way of domestic manufacture. The buying up quantities of wool and flax, with the design to employ spinners, weavers, &c., and form great establishments, producing quantities of linen and woollen goods for sale, has been several times attempted in different provinces; but those projects have generally failed, goods of equal value being imported cheaper. And when the governments have been solicited to support such schemes by encouragements in money, or by imposing duties on importation of such goods, it has been generally refused, on this principle, that if the country is ripe for the manufacture, it may be carried on by private persons to advantage; and if not, it is a folly to think of forcing nature.

"Great establishments of manufacture require great numbers of poor to do the work for small wages; those poor are to be found in Europe; but will not be found in America till the lands are all taken up and cultivated, and the excess of people who cannot get land want employment. The manufacture of silk, they say, is as natural in France as that of cloth in England, because each country produces in plenty the first material; but if England will have a manufacture of silk as well as that of cloth, and France of cloth as well as that of silk, these unnatural operations must be supported by mutual prohibitions, or high duties on the importation of each other's goods; by which means the workmen are enabled to TAX THE HOME CONSUMER BY GREATER PRICES, while the higher wages they receive makes them neither happier nor richer, since they only drink more and work less. Therefore, the governments in America do nothing to encourage such projects."

But enough of this to remove doubts in the most incredulous. Having shown that the present tariff was framed for the real protection of only one class, and that this was contrary to the spirit of the constitution, and every principle of equal justice in taxation or protection, as well as contrary to the whole practice of the government for the first quarter century of its existence; and when resorted to since, had created intense excitement, and wide dissatisfaction, till after a few years the Union became convulsed, and the system was abandoned,—I will next ask a few moment's attention to its character as a system—not for protection, but for raising revenue.

The senator from Maine seemed to consider it a good bill as a revenue act.

[Mr. EVANS observed that, in answering the senator from South Carolina, (who maintained that the act of 1842 was destructive to revenue,) he had shown it increased revenue, but did not say it was exclusively an act for revenue.]

Very well, sir, I am happy to hear the gentleman admit that he does not defend the tariff as exclusively an act for revenue. This virtually concedes my former position, that it is, in many respects, a measure for protection. It is one of the peculiarities of this measure, that among manufacturers it is justified as an act for their protection; but in quarters averse to the protective system; it is vindicated as a mere revenue measure; and in a mixed audience, it is defended as being intended for

both—a little for each. If the argument anywhere presses hardest against its protective features, then it is insisted that no change shall be made, as it is excellent for revenue; and if hardest against its revenue character, then it is said to do so much good for protection, it must not be amended, or even discussed; and if it is unable to stand alone on either hypothesis, then the argument has been, as from the chairman, [Mr. EVANS,] that whatever inequality, injustice, imperfection, or wrong of any kind, is connected with it, is made reparation for by the aid it gives in *reducing prices, furnishing home markets, employing more American industry, and less foreign pauper labor*; and in various ways more than remunerating the country as a whole for any evils it may happen to inflict on some of its parts.

Now, sir, let us test these matters on facts, and not broad assertions. Is it good as a revenue measure? and, if not, what is the extent of the evils it inflicts, whether as a protective or financial system? and are those evils compensated by any of the benefits that have resulted or are likely to flow from it, if we forbear to amend it?

Several remarks have already been made indicating my views as to some of its objectionable features as a bill for raising revenue. What are the true elements and features of a mere revenue bill? In the first place, the leading object of a revenue bill is to obtain revenue equally; of this, unequally. A tax should be made to bear lightly as possible on consumers; this is to bear most heavily on them. The particular duties in numerous instances range 10, 20, and even 40 and 50 per cent. higher than the common revenue standard. I do not pretend that, like the dew point or freezing point, the financial scale can be mathematically marked, beyond which no duties should rise on any occasion or under any circumstances. But I do insist that few nations, ancient or modern, have ever deemed it proper for revenue to exceed 20 or 25 per cent. The accustomed rate for that purpose has often (as here, from 1790 to 1812) been under 20 than above it; and when exceeding it, as sometimes in England, France, and Spain, and here since 1816, has usually been done avowedly for purposes of protection, and not revenue. It is now, in Prussia and Germany, no less than Switzerland, seldom as high as 20 per cent. Hence the compromise act of 1833 provided for a gradual reduction of our protective duties to revenue ones, and fixed them at a maximum of 20 per cent. And hence both General Harrison and Mr. Clay, in addresses before the election of 1840, expressed their satisfaction with the compromise, limiting imposts to that rate; because that rate not only would be likely to furnish revenue enough, with the public lands, for an economical administration of the government, but, coupled as it was with cash duties and a home valuation, would incidentally afford a large and equal protection against foreigners, to all the producing classes, and an ample one for any business, which it would be profitable for the country, in its present position, to have prosecuted here.

Do any infer from this that I oppose the collection, in a proper way, of revenue enough in time of peace to prevent running in debt (as we lately have done) twenty-seven millions? or, however anxious to relieve labor and the necessities of life, to defray all honest debts rather than resort to an odious evasion by *repudiation*? or to sustain in due vigor all the useful establishments of the country, with public credit, public faith, and public honor? Far, far

from it. But collect it on revenue principles, and in a true revenue way.

In the next place, the present tariff is bad as a revenue measure, by attempting to collect more from the owners and consumers of foreign imports than an equal or proportionate burden on that kind of property. Being often 60 to 100 per cent. in particular cases, and 37 per cent. on an average, it is much higher than taxes on other property in society, looking either to value or income. And, though, under our double systems of government, I do not contend that all the revenue for the general government may not be collected from imports, if it does not put them above 20 or 25 per cent.—leaving lands and other property to be taxed by the States—yet imports should pay only a fair proportion. It is another objection to this bill, as a fiscal one, that if we are to receive under it all the revenue its friends anticipate—we shall collect a larger proportion of the moneyed taxes of the whole country, from customs, than it is usual to collect in most other governments. In France, only about thirty millions of dollars (or $\frac{1}{4}$ th of their whole income,) is collected from customs—over one hundred and eighty millions being from other sources; while in England, little over a third of the whole taxes come from customs, and including tithes and the poor rates, probably not one-third. But here, at least half of the whole would be derived from customs—as all our moneyed taxes in the States are not computed to average over one dollar per head, or eighteen to twenty millions of dollars in the aggregate. If you will then push our national expenses so high as not to be able to get sufficient revenue at a rate of twenty or twenty-five per cent, I say it is sound political economy to go for the rest to the other sources of revenue, which the constitution has conferred, and for that very purpose, and to act, in this respect, as our fathers were wont to do in 1794, 1798, and 1812.

But other and paramount objections to the present tariff is, that it taxes articles of trade so high as to tend to break up trade itself; that it taxes necessities higher than luxuries—as before explained that it taxes the person in its operation, rather than property or ability to pay; and in many cases, by one specific duty, collects from the consumer, in middling or indigent circumstances, as large a tax on a coarser and cheaper fabric—such as shoes, flannels, &c. worn by them—as on a finer and more costly one of the same name, worn by the rich. The only effectual mode of preventing partiality and oppression in such bills is to fix a liberal maximum of twenty or twenty-five per cent. Within that, the duty may well fluctuate rather than be rigidly horizontal, if revenue objects require and admit it; so as to relieve necessities some, if practicable, and favor the needy rather than wealthy, and graduate most, if not all, duties on a scale *ad valorem*—so that the people can know the true extent of their burdens, and each pay only in proportion to the value of what he consumes.

To illustrate the tendency of varying the amount of duty on particular articles beyond a certain ordinary and settled standard for mere revenue, and on revenue principles, do not gentlemen see, that if you can depart from that, and go far above it for protection to one class (such as the manufacturers) at the expense of others, (the farmers,) you may, as in England, by the odious corn laws, depart from it for the benefit of the land owners, and at the expense of the manufacturers?

If such enormous high duties as disfigure the present tariff can be imposed on particular articles even for revenue, much less protection, do not all see that a door is also opened to equal if not greater injustice another way? Cannot a few articles be thus selected for revenue, and others left free, or at a low rate, where the articles selected are consumed chiefly but in one section of the country, or by one class of the community; and when those being necessities are not able to be dispensed with?—and thus a dominant party or section force most of the public burdens on their opponents? This is not to be tolerated a moment, even for revenue, on any sound principles of taxation.

Again: as a revenue measure, it had not yet been able to meet the wants of the government. Deficiencies had already occurred, and been supplied by loans in a period of profound peace; and the proper official organ of the government informs us, in his annual report, that more deficiencies are likely to occur, both in this and the ensuing year. Whether the Secretary of the Treasury was correct or not in his estimates, (and I know, from experience, there is no little difficulty, in periods of fluctuation, in forming accurate opinions as to the future,) it was safer for us to take, in the main, the official data. Certainly the tariff had not yet yielded so much, by five millions, the last year, as some of its friends estimated in 1842; and if the large returns from New York for January were hastily looked to as a guide for the whole year, the aggregate revenue from customs would, in 1844, exceed forty millions of dollars—exceeding the previous estimates of the chairman near twenty millions.

[Mr. EVANS said he disclaimed considering them a guide for the whole year.]

I think it will be prudent not to consider them so, or we must anticipate another ruinous revulsion, ere long. Besides all this, the revenue in different quarters has already so fluctuated under this bill, as to vary a million or more, sometimes lower and sometimes higher in each, ever since its passage, and precludes any reliance on its steady operation. It is a mistake, too, that raising the duties so high as these are for protection, is likely to raise much higher the aggregate of revenue than it would be if none exceeded thirty per cent., when we look to its tendency to check and reduce importations, and to encourage smuggling. Their increase during the last few months, has arisen from the impulses given to the commerce of the world by opening new markets, and the low rate of interest for capital to embark in new enterprises, rather than from any benefits to the revenue or business generally, by so high a tariff.

At the very moment while we are deliberating, the returns of the receipts from customs in England the last quarter, also show a considerable rise; and of the last year, if deducting the revenue on corn accidentally high in 1842, a larger rise still. But these results have happened there after a reduction of the rate of many duties, leading to a larger consumption, showing the reverse of what is argued as the cause here. But, in truth, the opening of new markets in Asia, among three or four hundred millions of people, or near half of the whole human race, has done much more, both in Europe and America, to revive business and increase revenue, than any changes in duties, though the reduction of them in England has tended to increase, both consumption and revenue. There had been very striking illustrations, in the case of teas and spirits, of

an increase of revenue in the aggregate, after a reduction in the rate of duties. (See several instances in Porter's View.) I will not detain the Senate by specifying but one, in the case of coffee, which, in England, on a duty of 50 per cent. less in 1840 than in 1824, had become so much more imported and consumed, as to yield more than double the amount of revenue. The rise in revenue supposed to have taken place here in a series of years after the increased rate of duties in 1816, and in consequence of it, is another error into which the senator from Maine has fallen, I presume inadvertently; for the truth is just the reverse, and is a strong proof that a protective tariff like ours tends often to reduce the aggregate.

Thus the net revenue from customs in 1817 was about twenty-six millions and a quarter—which, on the credit system then in force, had accrued chiefly on the imposts and tariff in force in 1816. Now, so far from its rising above that sum under the higher duties of 1816, or the still higher of 1824, or even of 1823, it had, in 1813, fallen to about seventeen millions; and had never again equalled twenty-six millions till 1832; and then had become larger, not by means of more natural business and of higher duties, but by much larger imports, artificially swollen, to bring home the proceeds of State loans abroad.

[Messrs. EVANS and HUNTINGTON asked from what source Mr. W. derived his data as to the duties, since the documents appended to the last report of the Secretary of the Treasury did not give like amounts.]

I quote from the official receipts and expenditures, published in 1842, page 242; and, if the two differ in some details, they both agree in the general results I have stated. And as to the increase of imports, and consequently revenue, by means of the State debts, Mr. Gallatin and others had computed that, during eight or ten years, after adding seven and a half millions annually for profits, freights, &c., on the exports, the aggregate of imports, over and above that, had been near one hundred and thirty millions, or the estimated amount of State loans effected abroad within that period. If we looked to naked figures, without examining into causes, and extending research over several years, we were likely to be constantly misled; but, looking to causes, all became consistent and reconcilable with sound principles.

For these reasons, without specifying others, the present tariff is exceedingly defective in its character as a revenue measure, and ought to be amended. But there are other and more particular reasons against its operations on the community—whether regarded as directly protective or fiscal—which require its whole form and substance to be modified, and for which it contains no redeeming qualities sufficient to reconcile us to its continuance.

It is so framed as, in fact, to impose a heavy burden on large classes and sections of the country, and thus to operate in favor of small classes and sections, rather than for the treasury, or the whole people, as a whole.

Let us look to the evidence of this. Its average rate of duties was so near 40 per cent., that, for convenience in computation, that rate might be used. Now, sir, calculating that under it we import and consume only thirty millions of foreign merchandise, similar to what is manufactured here, the tax on that would be twelve millions of dollars; whereas a revenue duty on it of 20 per cent., for the benefit of

the treasury, would amount to only six millions; and the other six are paid for the benefit and protection of the domestic rival manufactures.

In the next place, as this tax of forty per cent. usually enhances the price of the articles to that extent, these similar domestic manufactures are raised also in price in a like proportion. This must be the case, or a higher tariff would be of no use to the makers of those articles. Now, those similar domestic manufactures, made and consumed in this country, equal in value annually about two hundred millions of dollars. Forty per cent. on that is eighty millions; but as half of it would be gained by an incidental and necessary, equal and proper protection from a 20 per cent. revenue tariff, the only addition to the public burdens, by the partial and high discriminations, is forty millions—making, with the other six, about forty-six millions paid yearly to the benefit of the manufacturing classes. As those classes constitute only one-eleventh of our whole population, ten-elevenths of the sum is paid by other classes for the benefit of merely that one-eleventh. This is a monstrous burden imposed on the others, higher than all their other taxes, both to the State and general governments, without computing profits on it by wholesale dealers and retailers. If this money was carried out of the country yearly, that circumstance would much impoverish it; but being only a tribute on some here for the benefit of others here, the money remains within our limits, but still it is deliberately fleeced from some and transferred to others.

If those others, in such favorite occupations, do not thereby grow so wealthy and powerful as some suppose, it is not for the want of protection enough, but, as will hereafter be explained, from the fluctuations in their business, caused by these same high profits, and the frequent changes in machinery, and the losses by abortive experiments, or the want of skill in the management, by some persons and in some places, comparatively inexperienced.

Now, could such a system, so unequal and anti-republican as this, and so oppressive to ten-elevenths of the people, stand a single hour if the facts were accurately understood? No, sir, no. But the fallacy is widely circulated, that the increased duty, rather than enhancing the price of articles, reduces it; and when that paradox does not gain full faith from its contradictions to experience and common sense, as well as theoretical reason, it is urged that the apparent beneficiaries of the tax are not alone aggrandized by it; but the whole country made more prosperous, and better able to pay enhanced duties and prices.

Let us scrutinize this delusion a little. That higher duties make prices lower, is, in the philosophy of the American system, the elephant on which stands their whole globe. It is entirely a discovery, not to say invention of its supporters. Abroad, the idea is deemed preposterous. It is a matter of course in general principles; and Adam Smith, Ricardo, Huskisson, McCulloch, Tooke, and many others, make their calculations, that an enhanced duty augments the price just as naturally as that higher rents, or wages, or interest, tend to make an article cost more; just as naturally as more fuel added increases the fire—more rain raises the streams.

Franklin, in this country, as we have already seen, says that high duties on the importation enables the manufacturer to *tax the home consumer by greater prices*. He could draw lightning from the clouds, but he could, with all his ingenuity and

skill, draw no other conclusion than this from high duties. It may be sometimes true, as an exception, that in a glut of the market the importer may not be able to sell at an enhanced price, and must then sell at a loss, if at all. Every one can see, however, that this is only temporary and occasional. For a new high duty, which, as the senator from Maine supposes, may at first raise prices, and thus check sales, will, if they afterwards fall, from the market being overstocked, bring them at once up again as soon as the supply is less and the manufacture less, as is usual after such a glut. This brief fall in price, too, whenever it happens, will, for a like reason, cause a corresponding fall in the price of the agricultural production to be exchanged for the manufacture; and, in that case, it will require no prophet to foresee that such a fall injures, in its consequences, rather than benefits the producer. The action of everybody in daily life contradicts the whole position on the other side, that, as a general principle, prices are permanently reduced by higher duties; or why do persons, after high duties, smuggle? If they make the prices here lower, the smuggling would be the other way. Why, also, are our tables loaded with memorials asking for drawbacks or to remit duties on railroad iron, if they make its price lower? Why do nations ever retaliate against others by imposing higher duties, if it makes their articles lower, and hence more in demand for consumption? Indeed, why do the manufacturers themselves ask for higher duties on the manufactured articles, if the price is not thereby increased? And why ask for low duties, or entire freedom to the raw material, if it be not thereby made lower? (See table No. 4.) And why oppose a reduction, as now, if that reduction would not tend to reduce prices? What, sir! have we not the resolution of the high-tariff legislature of Vermont, just offered here, to continue the present high duties on wool? And why is this, except that, in their opinion, frankly admitted, the price of that great staple with them has been thereby enhanced? The whole misconception, beyond the slight temporary exceptions before alluded to, appeared to arise from what undoubtedly was a fact in this country, that most manufactured articles had fallen throughout the world since high duties had begun to be imposed, in 1816. But, in the first place, a fall in many of these commenced before 1816; in the next place, every sequence was not a consequence; everything after an event did not happen on account of it, or we might attribute this fall to the war of 1812, or the great eclipse of 1806, as the fall had occurred after both. In cases like these, we must probe to the bottom and eviscerate the true causes and consequences of events, and not virtually take up the irrational, if not absurd idea, that high national taxes of any kind are a blessing, any more than that a great national debt is a national blessing.

It was, on some accounts, perhaps, unfortunate that this notion had not been discovered earlier, when our fathers considered themselves so much oppressed by a higher tax on *tea*, and when the French so grievously complained and rebelled against the *gabelle*, or high salt tax—none of them being so long sighted then as to dream that the prices were thereby reduced. But seriously, Mr. President, if any still doubt on this subject, let them look a little into the cautious and well-considered work on prices, which I hold in my hand, by Tooke, (edition of 1838,) not swollen with loose theories, but facts—recorded and authentic facts—giving the history and causes

of the fluctuations in prices in England during the last half century. It never entered his imagination, because they rose generally from 1795 to 1815, and fell generally from 1815 to 1842, that this proceeded at all from lower duties in the first period, or higher ones in the second. The fact as to duties was in most cases directly the reverse. No, sir, the true and general causes of a fall in prices are, first, a greater quantity of the article produced, without a greater demand; whether produced in agriculture by more fertile seasons, better manures or tools; or in manufactures by improved machinery, with chemical discoveries; or in both, by more hands released from war and other unproductive employments, and devoted to either of those pursuits. And secondly, by a contraction of the amount of the currency, whether paper or specie, by which the price is measured. While a rise happens by the reverse of these, or an addition to the tax or expense in making the articles, or the opening of new and better markets. Hence, if a fall occurs from one of the first causes, it would be still greater if none of the last intervene to counteract it in any degree—such as a higher duty, an expansion in the currency, or a new market. But these last may, and do in some cases, not counteract it entirely; and then the cry is, that the higher duty lowers the price, when in fact the other causes exist and lower it; and would make it lower still, but for the higher duty.

How unphilosophical it is, likewise, when good, pertinent, and long-established causes exist to lower prices, to hunt for another cause, not certain or rational, and conjure that up as the true one.

But enough on the reasoning connected with this fallacy, so wide, and so pervading the ranks of the friends to high protection, and which, if removed, the whole fabric must totter to its base. How are the recorded facts no less than the reasoning? Not a single case here and there, and for a month or a year; but how, on both continents, and for a long series of years, and as to numerous articles? I have before me various schedules of prices current, both in England and America. They all show conclusively that since 1795, from the causes first named, agricultural products in England have generally risen, though the highest duties have been imposed there for their protection—they, rather than manufactures, being there the pets or favorites for protection with the great landed gentry and aristocracy, that fill the two Houses of Parliament. At the same time, they show that, from the first named causes, and especially improvements in machinery and in chemistry, manufactures have fallen in price—and this when the duty was low, as well as when high. (See tables 7 and 8.)

Indeed, the difference between the official and real valuation of exports there, which indicates on the public and authentic records the changes in price since 1690, shows that the whole, from various causes, have fallen in the aggregate something like 58 per cent. The writer before me says:

"We have taken out of the list of exports the leading articles of agricultural produce for three years, (1840, 1841, 1842,) the value of which we find would have been, in 1694, (one hundred and fifty years ago,) £1,557,993; but which have now increased to a value of £3,778,321, being an advance in price of 143 per cent.

"We have also taken out some of the leading articles of manufactures for the same time, the value of which we find would have been, in 1694, £267,636,717; but which are now reduced to a value of

£107,173,382, being a reduction of price of 60 per cent. Thus showing that, while manufactured goods and minerals have fallen considerably more than a half, agricultural produce has much more than doubled its value.

"Butter and cheese have risen in price, during that period, 193 per cent.

"Corn, flour, &c. have risen 161 per cent.

"Cows have risen in price 209 per cent.

"Horses have risen in price 267 per cent.

"Wool has risen in price 169 per cent.

"While cotton manufactures have fallen in price, during that period, 73 per cent.

"Coals have fallen in price 60 per cent.

"Iron and steel have fallen in price 45 per cent.

"Linen manufactures have fallen in price 36 per cent.

"And, what is very curious, while wool has risen 169 per cent., woollen manufactures have fallen 10 per cent. in price."—*Economist*, Nov. 4, 1843.

In the United States, prices current in Boston and New York, for a long series of years, as to numerous articles, have likewise been examined. They show a general fall in price here of agricultural articles, not prevented entirely even under an expanded currency in 1814 and 1836. But this fall has occurred from great and cheap production, on our cheap, and fertile, and extensive soil; and could not happen from high protective duties, they having been low on such agricultural products as are much imported, or entirely free on several of them.

These tables showed, further, a fall in some manufactured articles where the duties ranged high, and in others where low. But this fall manifestly happened from improvements in machinery and steam, (the great and distinguishing features of the age,) or from new mines opened; and in spite of high duties rather than being their consequences. Think you, sir, that a minimum duty on cottons here has caused the fall in their price in both Europe and America, rather than the inventions of Arkwright in spinning, or Cartwright in weaving, or Watts in steam—any more than the duty here on the raw material has caused its fall two-thirds, rather than the wonderful cotton gin of Whitney, and our exuberant soil? The tables compiled from McCulloch, Tooke, and the prices current in New York, are at the service of any senator. (Nos. 7, 8 to 11.) I shall not repeat their details; but merely state, as most striking refutations of the theory on the other side, that in England, the manufactured article of salt-petre has fallen more than most others, viz: from 135 shillings per hundred weight in 1795, to 21 shillings in 1838, *though on a low duty*; and log-wood from 11 shillings per ton to 7, *though free*; and salt from 6 shillings, and during war 19 shillings, to only 1 shilling and 3 pence, in 1838, *though then entirely free*. The first was manifestly caused by improvements in chemistry, and new discoveries; and the two last, as in this country, from new and greater supplies combined with lower duties there, and in spite of high ones here on the great condiment of life.

The tables in 2d Tooke, 390 p., (edition 1838,) show further that the price of timber has risen under a rising duty, and tobacco not risen nor fallen, though taxed with a duty computed by the chairman at 2,000 per cent. One would suppose the last high enough, on his theory, to make the price fall next to nothing.

Here plaster of Paris, though free, and not a manufacture, has fallen as much or more than others,

viz: from \$20 per ton in 1811 to only \$2 25 in 1844; and, of course, from other causes than high duties. Indeed, out of two hundred and sixteen articles on which prices had fallen, some years since—as large a number were ascertained by the late inquisitive Condé Raguet to be such as were free or on a low duty, as on a high—thus indicating, with unerring certainty, the great and general operation of other causes. All can remember how the price of sugar fell a few years ago here under a falling duty, and how it has risen again like the Vermont wool, and cordage, and cottons, under a higher duty. Not that all articles are falling or rising in all cases, entirely from the change in duty, but always higher than they otherwise would be if a duty exists, and lower than they otherwise would be if one does not exist. Indeed, the great advocate of the protective system (Mr. Clay) at last virtually conceded away this whole ground in 1832, by expressing a willingness to reduce several of the high duties so as to relieve the consumption of the country; but which could not be thus relieved unless high duties had made prices higher—proving, in these ways, the position that prices of articles are usually made higher to the extent of the duty. It then follows that the consumer of such articles is usually obliged to pay as much more for them on that account. Such is the plain common sense of the case. Such is the doctrine of all the leading economists abroad, as well as of Franklin; and even Hamilton was forced to admit that this was oftentimes the case, and when not so, the increase fell on the merchant, and was still more ruinous to him. (See *Federalist* before cited.) Mr. Dallas entertained a like idea. (See report, February, 1816.) And it can never fall on the foreign producer any longer than to affect his present stock in a few cases, till he reduces his production, and thus prevents a glut.

It then follows that, as a general principle, the enhanced price of the foreign article, and also of the domestic article, is paid by the consumer. This, we have already shown, equals here now, beyond a fair revenue, about forty-three millions of dollars yearly; and as the manufacturers constitute but one-eleventh of the whole, ten-elevenths of it is paid by other consumers, and for the benefit of that one-eleventh. As most of these others belong to the agricultural classes, they being near three-fourths of all our population, the great mass of this enormous burden is thrown on them, and must induce them in time, as the real facts are well understood, to demolish the whole system of partial protection, and require, as some of us do now, that a tariff for such protection be corrected, without unnecessary delay. What does it amount to per head yearly, including their families? Over two dollars to each man, woman and child, on an average. What, in the gross, are the present duties on a few separate articles of great, vital, and universal necessity? On iron, at 25lbs. per head, it is 500,000,000lbs. for our whole population, now twenty millions of people; and the tax on this, at only three cents per pound, is fifteen millions of dollars, ten-elevenths of which is paid by others than the manufacturers. On sugar, at 14 pounds per head, at 2½ cents duty per pound, the tax is seven millions of dollars more; and on salt alone, without going into other articles, it is, at a bushel per head, quite a million and a half of dollars.

As an illustration how this presses on my own State, with a population of about 300,000, and the large mass of them farmers, the tax for iron alone

equals \$225,000, or four times the amount of the whole State tax; on sugar \$109,000 more; and on salt \$24,000—making, on only three articles, an aggregate of more than a third of a million, and near seven times the whole of what is technically our State tax. None of our population get relieved from this, except the few who make of these articles as much as they consume. All can see, in a moment, how this prevents the consumer from being able to buy, or enjoy, or lay up so much, with the same money and means, as he otherwise could; for, by the rise of price, he gets but three or four pounds of iron, sugar, &c., for the same money or value of produce, where before he got five, the cost of the difference going to the manufacturer and the revenue. The whole Union, as consumers, and so far as not makers of such articles, feel the discriminating oppression, and are thus, in the North as well as the South, the East and the Middle States, as well as the giant West, all suffering under its unequal bearing by means of the present tariff.

But look at another aspect of the inquiry, as affecting the producing classes. The producer is usually a farmer, or planter, or manufacturer though those connected with the last class are only about a million and a half to twelve millions and three-fourths connected with the two former. Now, if the producer has to pay forty per cent more on many indispensable articles which he consumes, it will soon be manifest that, unless a manufacturer, and thus indemnified, he suffers doubly under this system, and especially as compared with any other consumer.

I shall not now enter into any technical reasoning about what is called the *forty-bale theory*; though it would be troublesome to defeat by argument the cogent reasoning of the senator before me, [Mr. McDuffie.] But this much is demonstrable, that such producers are first burdened and injured by the higher price of what they consume. Whether they purchase it here with money, or bring it home in exchange for what they produce and send abroad, the consequence is the same, that they get less in amount for consumption; and when it is argued that, in such a case, they had better not use foreign articles so raised in price, but bring home money, pray what is to be done with the money?—not eaten nor worn, but some of it exchanged here for necessities or luxuries; and, whether of domestic or foreign manufacture, enhanced in price so that he cannot procure or enjoy so many of them. It is this excessive taxation, in all possible ways, on the producer in England, that tempts Parliament to continue the corn-law duties, with a view to remunerate the agriculturist, by higher prices, thus caused, for his great staples. And yet, after all that, having, (as he has almost,) a monopoly of food, he grinds the laborer into riots and incendiarism; while the manufacturer, not so much the pet there, works so near the minimum price necessary to sustain life, that a bad harvest, and rise in food, or a rise in cotton, and a glut of markets, so as to diminish manufacturing, throws millions upon public charity for their daily bread. Much of those trying evils arise from excessive taxation, in various ways, and especially high duties on corn—some bearing on one kind of produce, and some on another, and all fall there on the humiliated laborer, whether engaged in manufacture or agriculture. The relief there, as well as here, is the great problem; and it is to be found in reducing, and not raising, taxation; and furnishing both bread and clothing, as well as all other mate-

rials, each from the places where they can, in the present state of society, and without forced means, be made cheapest. Then, God's bounties in every climate and stage of improvement in society, will, by commerce, become interchanged and universally diffused; and the whole human family be blessed, rather than oppressed, by each other's advantages and excellences.

Proceed, then, and lower the highest duties here, and the revenue would still be sufficient; and, other things remaining unchanged, the laborer, as well as producer, will be able to consume not only as much more as the difference of duty would buy, but industry and the prices of his own products will be so increased to the producer that he will be able to buy much more. A most memorable instance of a change in this respect occurred in the case of coffee in England, of which, under a high duty of 2s. 6d. per lb., in 1824, when foreign, and 1s. when colonial, but 8,262,943 lbs. were consumed. But the duties being then reduced one-half, the consumption, from that and other causes, increased, by 1840, to 28,664,336 lbs. [Mr. EVANS here asked if England produced any coffee; to which Mr. WOODBURY replied, that she produced some in her colonies, as well as sugar.] It is a remarkable fact, that, the duties remaining high during that same period on sugar, the consumption of it fell off 377,302 cwt.

Producers are next suffering by not being able, under high duties, to purchase lands and stock, and hire labor to the extent they otherwise might, in order to increase the quantity of their produce. It is also certain, that, under this system, produce is likely to sell for less, because their markets abroad are exposed to be cut off and diminished much more than under a system of low duties and liberal reciprocity.

Thus it is that the great agricultural producers in the South and West feel so deeply the evils of this system, having little or no remuneration for them, or relief from them, as the manufacturers themselves have, and in some respects in the North, part of those living in their immediate neighborhoods. And if it were not for the low price of lands in this country, and their virgin richness, and blessed fertility, the distress and prostration would, in past years with farmers have been much severer.

Next their markets are thus exposed to become cramped or deteriorated, under retaliations; and the great principle of trade is acknowledged now by most people, as laid down by Franklin, that commerce must, in order to flourish durably, consist of mutual exchanges. Writing to a French gentleman, he says: (vol. 5, p. 369)

"We are much pleased with the disposition of your government to favor our commerce, manifested in the late *réglement*. You appear to be possessed of a truth which few governments are possessed of—that A must take some of B's produce; otherwise B will not be able to pay for what he would take of A."

The evil operation, naturally attendant on a high and discriminating tariff, to injure all markets abroad, is one which presses hard on the friends of such a system. And hence it is a favorite ground assumed by them; that the foreign markets are of trifling consequence to the producer, compared with the domestic or home market, and that they but little affect his prices; and that their system furnishes a demand so much better for all produced, as to atone for the loss of all markets abroad.

Now, sir, as these positions are deemed by their authors great pillars to support the protective sys-

tem, I will ask your indulgence a short time in order to expose how utterly unfounded they are on the real facts applicable to them; and to show afterwards the further evils of this system to navigation and the fisheries, and even to sound manufacturing industry, no less than to the great classes of consumers and producers so as to be entirely unatoned for by any benefits really resulting from it.

[Mr. W. commenced his remarks as to its effect on our markets, but gave way, at the request of his friends, to an adjournment. The next day, after some explanations, which are inserted in their appropriated places, he proceeded.]

In pursuing this discussion further, Mr. President, in the manner I have proposed, I would be trespassing uselessly on the patience of the Senate, if my best endeavors were not exerted to elicit truth—I would try to settle contradictory opinions as to some facts, by a fuller and more dispassionate consideration of them—and, if possible, reconcile a majority to such changes in the existing tariff as are, in painful sincerity, believed by me to be necessary for the preservation of sound principles in taxation, equal justice to all, and the prosperity and peace of the country.

The idea that our foreign markets had not improved under the lowering duties from 1832 to 1842, compared with what they were the ten years previous, under higher rates, was very erroneous.

The value of domestic produce exported in 1832, was \$49,874,079, and in 1832, but \$63,137,470, or an increase of only about 25 per cent., while, in 1842, the value was \$92,969,996, or an increase of near 50 per cent. If the aggregate of these exports, in all the first ten years, was compared with that of the last, the increase in the last over the first would be near 100 per cent. Some had supposed that this increase had been confined to southern staples alone; but while cotton had augmented, rice and tobacco had been nearly stationary; and the great staples of the West and Middle States, and North, not consumed by the South while making the cotton, and thus obtaining a larger and better market through the cotton raised and sent abroad, such as the exports of breadstuffs, pork, lard, beef, butter and cheese, lumber, lead, and even of manufactures, have augmented.

Indeed almost the whole of the fourteen and a half millions of pounds of lead we now send to foreign markets have sprung up within the last ten years; and, as shown in the table before me, even within the last three, our exports of beef have trebled. So of pork and lard, and also of butter and cheese. (Table No. 12.)

Again: An impression had, by some, been sedulously inculcated, that England took little or nothing of our domestic products for herself and her dependencies, and therefore we ought, in retaliation, to tax high her manufactures. I am not the apologist of either England or France in their ancient commercial policy, in some respects, towards this country. But it is due to historical truth and justice to admit that, of late years, they take large portions of our surplus produce, being our two greatest markets in the world.

In respect to England, when buying our productions which are not luxuries—like tobacco; standing on a peculiar and different basis—she takes them on duties not usually so high as our own, and recently under several reductions, which we had very illy reciprocated by the present higher tariff. Let us test this by evidence; for I ask nothing on naked assertion. I hold in my hand statements of our exports

of domestic produce to England and her dependencies in 1822, 1832, and 1842.—(Table 13.)

They increased about 24 per cent. in the first period, but over 40 per cent. in the last one; and they considerably exceed one-half of all our exports of that kind to all quarters of the globe. Is this nothing as a growing advantage, by way of market, to all our producers, and to be encouraged by reciprocal liberality? especially when we recall to mind the further fact, that she takes even more of us, yearly, than we do of her, to the extent of four or five millions of dollars. Is not this such a favorable balance of trade to us, and such a large market—more than all the rest of the world—as to deserve some little regard and conciliatory spirit? Yet the policy of much of the existing tariff is, on the contrary, almost vindictive towards her chief productions. Again, as shown by my friend before me, [Mr. McDuffie,] she takes of our cotton over \$30,000,000 a year—nigh two-thirds of the whole amount exported—our greatest article sent abroad; and in which not South Carolina alone is interested, (as many affect to suppose,) but still more, Georgia, Alabama, and Mississippi, with parts of North Carolina, Louisiana, Tennessee, and Arkansas, as well as, indirectly, every other State which furnishes to them supplies, agricultural or manufactured.

Beside this, and more than one-fifth of our rice exported, she takes over one-third of the tobacco; and has always been one of our largest customers for both; thus presenting, in spite of her large duties on the last as a luxury, one of the best markets for the great production of still other States, including Maryland, Virginia, Ohio, and Missouri. But it is often alleged, that she takes little that is the produce of the free States; and particularly of breadstuffs, pork, beef, &c., more directly interesting to the central States, those beyond the Alleghanies, and the agriculture, fisheries, and manufactures of the East. Fortunately, sir, when we take the trouble to scrutinize the official documents, this delusion becomes entirely dispelled.

In 1822, when we sent to England and her dependencies not one-third of all our exports of flour, wheat, corn, and other breadstuffs, her harsh system of corn laws had recently been adopted on the same high protective system in favor of her agriculture, which we ourselves have so indiscreetly introduced in the present tariff, to aid our manufactures. But, notwithstanding the just complaints against that system, our intercourse through her neighboring colonies, from which the duty is lower, and our proximity to her West India islands, gradually enabled us to send to her and her dependencies, at a profit, over one-half of all those exports; and by 1842, over two-thirds of the whole; and equalling in value fifty per cent. more than all the tobacco and rice sent to them.

In fine, she takes largely of our beef, pork, and dairy; also of the products of our forest and the ocean, and even of the factory, as well as of raw cotton and grain. And her increased and increasing demands for most of these, if not repulsed and thwarted by high tariffs, rendered this consideration a momentous one not only to the South, but to all the grain growing States, whether on the Atlantic, or on the rivers and lakes of the mighty West, and gave it an interest to every farmer, and fisherman, and many a mechanic, in the valleys and on the hill-tops, on the seashores and in the villages of the busy North. Without dwelling too long on details, the value of beef now taken by her is double what it was in 1822; the pork and lard near two hundred per cent. more; and the

butter and cheese near six times as much. While, from our forests, she purchases near one-fourth of what we export in lumber, and six-sevenths of all our tar and other naval stores.

[Mr. BENTON. Please to repeat that.]

Yes, sir. She takes quite six-sevenths of all our naval stores exported; and, though that is important to your native State, (North Carolina,) another fact is becoming still more important to the State of your adoption—to Missouri—and also to Illinois, that, instead of now importing most of our lead from England, we supply from our own mines, on account of their natural fertility, and not by hot-bed protection, firstly our own great wants, and next send it across the equator—double, with it, both the Cape of Good Hope and Cape Horn, and supply China; as well as the Sandwich islands of the Pacific; and last, but not least, send to England herself near one-sixth of the whole we now export, while in 1822 she took not a pound, and in 1832 but \$22 worth.

From our fisheries she takes, also, half the sperm oil we export, instead of nothing in 1822, and but a pittance in 1832. But let me ask the gentleman on the other side, if even the manufacturers would be quite as well situated as to a market for their eight or nine millions of exports, if England and her dependencies were not open to many of them? She has admitted even our cotton manufactures into India, and some of them were used to help to clothe the very troops that marched to Afghanistan. She takes an increasing quantity of our domestic salt in Canada; from one to two hundred thousand dollars' worth of our nails in her West Indies; more and more of our sperm and tallow candles; a third of a million of our manufactures from tobacco; and very considerable proportions of the soap, leather, shoes, boots, &c. &c., which help to swell the exports of our domestic manufactures.

But not to be tedious on this point, mark the contrast also in the present rate of her duties on many of these articles. On the greatest (cotton) only $7\frac{1}{2}$ per cent.; on lard, only 7 per cent.; on wheat into Canada, only 7 cents per bushel; on beef and pork, but 2 cents a pound; and cheese, but 2½ cents. This will not be much over 20 per cent. on the whole of them, and some calculators have been enabled to push her average duties higher on articles which we raise, only by including tobacco, which is taxed high there as a luxury, and to bear on the rich; and some other articles, such as spirits and cider, which could not fairly be taken into the account, we ship so little of them to England, any more than cotton cloths, though only taxed 15 per cent.; woollens but 10 per cent.; linen 15 per cent.; and iron but 8 per cent.

Embracing corn, and their higher duty on our direct export of it to England, the average rate on the first class of articles would not rise to 25 per cent., as wheat, at the average price there, pays only about 30 or 32 per cent. duty, ranging lower or higher by a sliding scale, as the price there may rise or fall. To show what great advances she has recently made in relaxing her restrictive policy, by reducing her duties on articles which were high, and many of which greatly interest us, I have her old and new tariffs before me, and have placed several instances in parallel columns for convenience in reference, if any senator chooses to examine the matter further. (See table 14.)

Perhaps one reason, among others, why the corn duties have not been more relaxed, is the continued high discrimination which we still persist in against

manufactured articles such as she produces. And, as those duties there are a great engine of wrong and suffering towards starving millions, and help to fill her almshouses and prisons—leading to barn-burning, and mobs, and thefts, for vengeance or existence—there is little doubt that a relaxation there is desirable to many others, as well as the toiling millions; and that reciprocal legislation by us, in the spirit of her last tariff, would help to hasten a further reduction, and open a much larger vent for our grain and meats, at enhanced prices. A reciprocal arrangement of such a character can be effected by legislation, as well, if not better, than by treaty. The two countries are, in truth, fitted to consume largely of each other's surplus, sold by each (as it is) at cheaper rates than it can be produced by the other—she selling her manufactures of cotton cheaper, by machinery, skill, capital, and low wages; we, our cotton, grain, meats, and other materials, cheaper than hers, in consequence of a soil costing less and producing more, as well as being more lightly taxed. Nature and circumstances fit us both for mutual interchanges, on mutual low duties, to the mutual advantage of both, as much as do the tastes and formation of the two sexes suit them for each other's happiness. She needs, even on the present limited consumption, near two million quarters of wheat yearly from abroad. This alone gives a market for a quantity equal to the sixteen million surplus bushels of Ohio; and, if we supplied the whole, though at the reduced price of \$1.25 per bushel, when the average in England is \$1.75, it would be a gain of near four millions yearly. But the quantity consumed would be greatly increased by a reduction in the duty and price. The quantity taken beyond what is now taken, beside great additions to the meats, might reasonably be estimated at forty or fifty millions of bushels—a considerable portion of which we could furnish, as well as the north of Europe.

[Mr. HUNTINGTON inquired if Mr. W. estimated our crop of grains at only fifty millions of bushels, or stated that England took two-thirds of it all.]

By no means, sir. The whole crop exceeds five hundred millions of bushels, including all the grains, and exceeds eighty-four millions of wheat alone, and England, of course, takes only two-thirds of all we send abroad. I have not been talking of a market abroad for all our agricultural productions, as those alone equal from six to eight hundred millions of dollars yearly, but of their surplus. Those productions—after supplying the wants of fifteen or sixteen millions of people engaged in or connected with the production of them, and three or four millions more connected with commerce and other pursuits—yield a surplus of near one hundred millions of dollars in value; and, as that finds abundant and high markets abroad, or otherwise, it affects the sales and prices of all which is transferred from producers to consumers at home, and serves to enrich or impoverish the whole country. The present tariff, I have shown, tends to drive us from the best foreign markets for the disposal of those surplus products; to lessen the number of those markets, as well as their demands, by provoking duties against us which are higher, and more embarrassing and injurious, by way of retaliation. It tends to injure us not only in England and France, but in Germany also, where the tariff usually does not exceed twenty per cent., and in Prussia is intended to be kept down still lower; and where, as in South America and Asia—great

and growing markets for many of our productions—the imposts are light, compared with our own.

Doing all we can by negotiation to correct inequalities against us elsewhere, let us, then, in the true and redeeming spirit of morals and sound legislation, proceed to do right ourselves in respect to the tariff—to set a good example of revenue duties—and then urge with effect, as we may, in England and France no less than Germany, a reciprocal liberality, in all such cases as are not now mutual, or are not precluded by a local policy as to luxuries.

But if other nations should not at once meet our reduction in duties, by corresponding ones on their part, we shall still, though ill requited by foreigners, be gainers from our own moderation, under the great principle that all consumers here will, by our reduction, pay less for what they buy from abroad; and the producers here will be better able to compete with others in the markets of the whole world, and will sell more, and will make more money on what they do sell, as the production of it here, under lower duties on all they consume, will cost them less.

The only rainbow which now tinges the gloom, is the hope that the tariff of 1842 may become in this way mitigated, if not abandoned here, and then still more abroad, and that improved foreign markets will be thus encouraged in Europe and South America, co-operating with the vast one just forced open in China, under a duty not ranging there, on an average, so high as twenty per cent.; and through which alone we may be able to aid more in supplying a population, equal to half that of the whole human race, with whatever our mines, or manufactures, or agriculture can furnish agreeable to their taste or suitable to their wants.

And what, sir, is offered in reply to all the dangers and losses a perseverance in this system exposes us to in our greatest foreign markets in Europe? A new and better home market instead of them. This is another of the plausible and deluding positions that reconcile many to the restrictive system; but which cannot stand the test of scrutiny or facts. There is a charm to the hearts of all, in the word "home." But do not the articles of comfort and necessity we procure abroad from all regions, help to increase the charm of home as well as what we raise or make nearer? The tea and coffee we drink from the Indies? the sugar we eat from Brazil? the clothes, and salt, and iron we use from Europe? Are they from all climes not procured by means of our labors at home, as well as the other articles we buy, that are made here? But, in an economical or pecuniary view, it is reiterated, again and again, that the home market is the best and an ample substitute for others. Can gentlemen dwell on this, when so vast a quantity of our productions, consumed at home, is never sold; but used by those raising or making them. Think you, that, for the rest which the producers may desire to exchange or sell, the home market of one or two millions of people only connected with manufactures, is as great as that abroad of near eight hundred millions? circling, as our commerce does, with that surplus to every zone, and every sea? and better and better still as would become the foreign markets, if we only encouraged more and more the principles of a freer trade with them? Recollect, too, that the home market is and always has been first supplied; but still it has proved, and always will prove, to be utterly insufficient for all we raise. Instead of being the best market for our surplus of a hundred millions yearly,

it is no market at all for it, and, but for the foreign markets, the whole would perish on our hands. Or the industry of the country would become so paralyzed as not to produce it, and obtain all the necessities and comforts it brings back in return, and showers over every fireside. So far from the home market being a substitute for the foreign for all these vast surplus productions, it is filled and glutted, and can take no more of them before they become a surplus. That position, then, is entirely indefensible. Others talk of the near exchanges in the home market, being much more profitable to the producer. But how is the fact? He may, to be sure, quickly exchange a bushel of wheat with a neighboring manufacturer for a shovel, each valued at a dollar. But if, in the freer trade and more open market abroad, under a low duty, the shovel, equally good, could be bought for eighty cents, taking off half the present average 40 per cent. duty, and his wheat sold 20 per cent. higher, or at a dollar and a fifth, will he not be forty cents better under the low duty? And after all the freight and charges, though equalling half the difference, if the village merchant performs both of these operations for him, and takes his wheat, and lets him have the shovel as quick as the manufacturer could, is he not still a gainer, of twenty cents on a dollar and are not all the great channels, and means, and instruments of commerce, at the same time, more employed and invigorated by more freights? But others may argue, that by means of the restrictive system, manufacturers will increase so much faster than farmers, that the home market for domestic produce will enlarge so as speedily to consume all the usual surplus, though it will be at a lower price, probably, and furnishing manufactured fabrics at a higher price, as before shown, if a high duty is continued as necessary to protect them. But every one who scrutinizes our commercial records, knows that experience teaches just the reverse of this. The surplus productions, that the home market cannot purchase and consume, have increased, rather than diminished, since this restrictive system was in force. Under it, instead of its becoming less necessary to go abroad, it has become more necessary. In a country with such immense quantities of fertile land, at low prices, the agricultural productions increase faster, far, than the manufacturers; and every addition to our agricultural population, which is made at the rate of 4 per cent. yearly, augments, rather than diminishes, the surplus, as each new member of society here, instead of being, as in some countries, a new burden, and eating up a part of what the others have, or need, becomes a producer, and, ere long, adds yearly to the common income much more, on an average, than he consumes. Gentlemen seem blind to this beautiful and encouraging peculiarity in our national position, and which should justly render our country long a real asylum for the famished of all nations; and they find it difficult to get rid of European and Asiatic ideas, where agriculture is stationary, and every new birth tends to produce scarcity and suffering. Look at the official figures in connexion with these supposed facts. In 1816, by imposing higher duties, we were assured that an additional and better home market would speedily be created by an increase in manufactures, and all our surplus productions would be consumed here, and profitably, and the country become independent of foreign markets, and of the pauper labor of Europe.

How has this prediction been verified? So far from happening, in the next eight years ruin overspread the country, and the home market utterly failed as to our surplus. Again: the duties, in 1824, were raised still higher, with a promise that the hope would then be fulfilled, under great additions to our manufactures. They were said to be on the eve of taking root. But, in only four short years, again disappointed in the growth and sufficiency of the home market, came the higher tariff of 1828; and again in 1842, to run another disappointing round, comes a tariff still higher than that of 1828. In the mean time, to test, by the actual official figures, how poorly the home market has grown in a whole quarter of a century, so as to absorb all or most of our surplus, it appears that this surplus, now required to be exported or to rot on our hands, is near a hundred per cent. more than it was twenty years ago; and, as before shown, the aggregate of it, exported during the last ten years, is more than double what the aggregate was in the previous ten. Even during the greatest height of the duties, it appears, by the tables used on the other side, from 1821 to 1832, the period when the duties began to be reduced, the surplus, instead of being more and more used up here and purchased in the home market, increased from \$43,671,894 to \$63,137,470—about 50 per cent.

At this rate of progress in the home market, (taking off all our surplus,) it would not be effected till doomsday; and, indeed, would yearly grow worse and worse, instead of better and better. But if any senator supposes that it is possible, under this new and higher tariff, in the face of these recorded facts, to tempt so many more into manufacturing as to augment their demand somewhat faster and check somewhat the production, what, in the mean time, is to become even of the reduced surplus and the owners of it; till the whole is yearly absorbed? And what but ruin—widespread and inevitable ruin—must gradually overshadow and overwhelm the whole of them? No, sir. Our reason, our experience, our common sense, when applied to this novel condition, show that, beyond all the home market can take, a surplus from agriculture will, on the contrary, grow as our settlements grow; and more and more need foreign markets, till our people, if remaining free and united, cover the spaces between the Mississippi and the Rocky mountains, and thence to the Pacific, moving westward as a branch of the Caucasian race to the farthest limits of the globe. Saying nothing now of Texas or Canada, this growth in agriculture will never halt till a denser population, and older skill, and greater capital, divert a larger proportion profitably and naturally to such manufactures as can flourish here without artificial stimulus. Let me entreat gentlemen not to overlook these unerring indications of the present utter insufficiency of the home market, because we happen to do what is so much relied on in this debate—consume a hundred thousand bales of cotton more than we did ten years ago. Can they forget that we produce probably a million more bales than we did ten years ago, or as much in all as it was then estimated was grown in the whole world? And what is to become of the additional nine hundred thousand bales beyond all the larger home market takes, unless it is sent abroad? And do they not see, by the very last arrivals, that England, in a single year, has bought and consumed half as much more of our cotton as the whole wants of our home market? Even France consumes 50 per cent. more

of our cotton than all our home market; though, in 1631, the manufacturers themselves estimated that we then used as much of it as she did. Hence, in point of fact, the French market alone, beside the greater increase in England, has far outstripped, in its demands and wants of this article, all our boasted home market.

But if we were generally to compare markets for raw cotton—the *home*, and the *foreign*—when in fact, it is not a comparison, but a clear gain of all the foreign ones, what is the result? The foreign took last year 2,200,000 bales, to only about 300,000 consumed at home—or more than seven times as much, and the greater demands of England alone, are such, that she makes two hundred and fifty millions worth yearly of cotton fabrics, to our forty-seven and a half millions—or five hundred per cent. more.

A senator on the other side has talked of the great home market of England for her own manufactures, and has held it up as an example to us. But does he not know, that after supplying all her home market, she has a surplus of manufactures, for which she must and does find other markets in her foreign possessions or in foreign countries, and large and numerous ones, or she would not live unprostrated a single year? The exports from two hundred to two hundred and thirty millions of dollars a year of surplus manufactures beyond all her home market—independent of other domestic productions, equal near \$70,000,000 more. All this immense sum would become lost, the articles valueless, if she did not find or provide foreign markets for it. This is, in truth, as to principle, the example that should be held up for us.

She has negotiated, and colonized, and fought, for a century or more, to extend the foreign markets, to consume her products; and, without those markets, would have continued what she before was, a second or third rate power in Europe, or would long since have sunk under her wars and debt, instead of being, as she is now, the preponderating power in the world. Assisted by those markets, she has been enabled to add not only possession after possession there, but in Africa and America; and empire after empire in Asia and Australia, until her landed capital away from home is valued at more than half its great amount there, and her tributary population away is more than tenfold the rest; all of it exceeding one hundred and eighty millions. Thus, while the annual produce of Great Britain alone is only about \$2,500,000,000, she has one of near \$4,400,000,000, including her dependencies; and, while the population of most European countries consume per head only about two-thirds of a shilling's worth of her manufactures, and we but seventeen shillings per head, her colonies in America consume thirty-one and a half shillings' worth per head; those in the West Indies seventy-two, and those of British origin in Australia two hundred and thirty-five, and thus indirectly help much to build up and sustain her vast industry at home.

What we, too, would have been but for our foreign markets was forcibly shadowed forth during the embargo of 1808, and the non-intercourse in 1809, and in a remoter degree during a part of the war of 1812. All those measures may have been proper, looking to high political considerations; but what did the farmer and shipowner think of the blessings and excellences of a home market alone during the period when little was sent abroad? For many years, beside England and France for large foreign

markets for our greatest staples, what should we have been without still others? without breaking into the formerly-prohibited possessions of Spain in America? without a more enlarged intercourse with the vast empire of Brazil? without more extensive markets in Germany, and our vessels exporting our products more and more to remotest Asia and the isles of the Pacific? Waiving further illustrations on this, it could hardly be credited, that the protective system was so obstinately adhered to, when it not only tended to injure all *foreign markets*, and throw us on the insufficient *home one*, but to drive from the ocean much of the ships and navigators and capital engaged in transporting these surplus productions to those markets in almost every region, and bringing back, in return for them, the spare comforts and necessities of every other people.

The injurious influence of this high system of duties on our whole navigation, domestic as well as foreign, was capable of demonstration. It had often been boasted of as an antagonist system to that of foreign trade; and the arguments to justify it had been not only such as we have been refuting, but that the navigating interest, as a whole, would not suffer, if cut off from abroad, in a considerable degree, because the coasting trade would be so much more augmented as to make up for all loss in that which was foreign. A moment's examination, however, will show the whole of this to be equally delusive with the idea that, by a high tariff, a new and better home market is substituted for the foreign.

In the first place, the increased duty over 20 per cent. on the imported hemp, iron, and cordage, which enter into ship building has been carefully computed to equal at least five dollars a ton. This, on our whole tonnage of 2,092,360 tons, would be an additional tax, as it is repaired and rebuilt, of \$10,461,800. If the whole is renewed in five years, on an average, the new burden would equal annually \$2,092,360. If gentlemen spread the renewal over more years, the proportion is only varied. Almost half of this tax falls on the tonnage engaged in foreign trade, and the rest on that in the fisheries and domestic navigation. There is no difference thus far in favor of the latter; while the former, as to repairs, can sometimes gain a little advantage over the latter, by being able to supply sails and cables abroad not so highly taxed.

To show the force of this new burden more strongly by an illustration on a smaller scale, readily comprehended, and coming nearer home to the business and bosoms of my constituents—take the tonnage of New Hampshire, which is mostly confined to the one small port of Portsmouth, whose population is between seven and eight thousand. Its foreign tonnage alone, is about 15,000, on which five dollars increased duties amounts to \$75,000; and which, spread over five years, for such repairs and renewals as are equal to its present value, would be yearly about two dollars per head for the whole population of that town. This is as much as all their other taxes united. But, in the next stage of its evil operation, it falls heavier on the foreign than the domestic trade; for the tonnage in that, costing more than it otherwise would, cannot afford to carry freights so low as it otherwise might, and must charge higher to the owner of the produce and merchandise, and thus devolve a part, or all the increased tax on them, or submit, as it does in most cases, under the competition of vessels from abroad, not so highly taxed, to carry freights at the old, or a still lower price. The raiser of the produce might be

pleased to find transportation cheaper, if effected fairly, and in free and equal competition; but must regret to see it at the expense of the navigator, and under a system of vicious legislation, which makes it lower virtually by discriminating duties against our own citizens, and in favor of foreigners.

Let our own citizens in honest and useful pursuits have, at least, an equal chance with others. No onerous burdens—an open sea, a flowing sail, and a fair fight, in industry and enterprise, and not a novel kind of navigation act, made by ourselves, favorable to foreigners, and hostile to Americans. The day for great exclusive privileges to navigation had long gone by, as unnecessary, both in this country and England; and Cromwell's famous navigation act, however extolled by the senator from Maine, had, in the time of it and since, been regarded by many as impolitic, and had virtually been abandoned in England the last twenty years, in several important respects. Dutch pride had been humbled by Blake before it passed, and Dutch prosperity had been sapped by her wars and high taxes, rather than by British legislation. It would be idle for England or this country, or any other power, ever to expect durably great prosperity by legislation, however full of bounties or restrictions, unless their people are islanders or fishermen, or have natural facilities in naval stores and harbors for extensive commerce.

Our tonnage has seldom been more flourishing, except during the calamitous wars of Europe, than under our low duties most of the time, from 1830 to 1840. It increased 95 per cent., while the English, in that period, our great rivals, increased but 49 per cent., and the French only 50; while during the last year, it has declined in quantity, besides being much less profitable. By the operation of high restrictions, the exports, too, are expected to be lessened through an increased home market. The system has naturally that tendency, in conformity with its design, as we have seen in the official returns, by the exports proving nearly double as much under ten years of falling duties as ten of high ones. But the boast by some, that if it cuts off agricultural exports, it makes and substitutes as many manufactured ones, has been verified very badly, as while the former, in ten years, has added twenty millions, the latter has added but two or three, and the cotton manufacture only half a million. The foreign imports and exports are intended to be diminished by the very essence of the system. Especially is it aimed at the imports, intending to substitute in their stead domestic products of a like character. Such, too, has been the effect of it here. When it got into full operation after 1818, the imports began to fall off; and they never rose, during the full continuance of the system to 1833, so high again as in that year, though swollen much, from time to time, by the foreign loans to the States, brought home in merchandise.

Again: under its operation the past year, the imports have fallen, in the aggregate, near eleven millions, and of the consumable commodities, and such as pay much freight, over thirty millions; there being, I understand, near twenty millions of the free goods this year in specie over and above the quantity in 1842, and, indeed, over what has been re-exported this year. Do the navigating interest lose nothing by this reduced quantity and value of the imports to be freighted; considering, also, at the same time, that the whole exports in 1843 have become less, by four to five millions, than in 1842?

But, while the tonnage engaged in the foreign trade is undergoing this loss of values to be carried both ways across the ocean; beside the still greater loss in reduced prices for freights, the chairman says the inward freights have been better. If he means by that, our ships have brought home a larger portion of all imports than usual, I do not see anything in that to indicate improvement; because they being cut off, by a high tariff, from bringing home iron, hemp, &c., as much as usual, have been glad, rather than come home in ballast, to take anything at little profit.

[Mr. EVANS said he meant that the price of freights was higher.]

By no means generally. For where thirty or forty shillings a ton has been got formerly for some freights from Liverpool, it has, I understand, in certain cases, in 1843, been brought for eight shillings; and where a penny per pound has once been got for carrying raw cotton to Europe, half a penny only has of late been obtained in many cases, and a hundred vessels are now probably waiting in New Orleans for freights.

But how fares the coasting trade, which is to be so greatly promoted by such a tariff? The owner of the tonnage in that, whether on the seaboard or our inland seas and mighty rivers, is, to be sure, protected from foreign competition. But he must suffer to the whole extent of the increased cost of his vessel, and carry at the same price for freight as before; or, if he raises the freight so as to indemnify himself, will only shift a large burden from his own shoulders to those of the producer or consumer, already so oppressed; and, instead of anybody being benefited by the high duty except the manufacturer, an additional tax falls on most if not all others. The tax, too, reacts sometimes on the hardy ship-builder. If his materials cost more and he can sell no higher, it equals from a million to three-fourths a year on the tonnage built in 1842; and, as the business will thus diminish, must extend its baleful influences to the lumber-man, the timber grower, and all the mechanical trades engaged in ship-building and repairs. But look a little further at the next step in its bad consequences.

How is the remuneration for all this to occur in the increase of the domestic tonnage? Does that, as is estimated, have more to carry, and further, than it did when the foreign trade was larger? So far from it, all the domestic agricultural produce, which is sold at New York, Boston, and Providence, is brought no farther from the West or South, and its returns are carried back no farther than if the additional consumption, supposed to be caused near those places had been transported abroad, or the additional manufacturing products made near, and to be sent back to the South or West, came from abroad. But the whole foreign freights of it, and all the persons and capital and profits of true American origin and character connected therewith, are frustrated, and the nation paralyzed, not only in one of its great arms of industry and means of rearing seamen for maritime defence in war, but nothing whatever gained in place of those vital losses by any enlargement of our domestic tonnage. More, sir. As the system expands, the manufacture is calculated to spread nearer to the South and West, and establishments to spring up on the slopes of the Alleghanies, and many of the tributaries to the Mississippi and the lakes. All can see that, as these approach nearer the raw materials which they consume, whether cotton, corn, flour, meats, or other

articles, the domestic transportation, both to and fro, is shortened, and requires less time, capital, and employment for the home tonnage.

Pray tell me, then, whether the effect of this system on the navigating interest, foreign or domestic, be not highly injurious, an unmitigated evil, and what there possibly can be in it to atone to the commercial classes for its destructive influences?

The constitution itself was formed chiefly to protect our foreign commerce; as the framers of it, whether farmers, merchants, or planters, saw that on the success of that commerce depended the value of all the surplus crops, the ease and cheapness with which they reached good markets. The vessel was like the cart and wagon to hasten the crop onward to a good market; and the lower the cost of the vessel, the less it was taxed, and the more markets it would freely resort to, the higher would be the prices obtained for the cargo, and more reduced the expense of getting home their returns. If good highways, bridges and canals, and railroads, are a public blessing, and to be sought, for their benefit in internal commerce, so are all improvements by steamboats, faster sailing vessels, cheaper building, and lower duties, and less vexatious regulations, equal blessings to the producer and consumer, no less than to the navigator. The blow struck, then, by this restrictive system to the commerce of the country, whose numbers and capital are nearly as large, if not larger than those of the manufacturers, and a very valuable and useful and indeed national interest, in the view of the framers of the constitution, is a blow falling, at the same time, with as much, if not greater force, on all the producers and consumers of the country.

The hardy and adventurous fisherman feels it the most, both as navigator and producer of a new article of food. He gets no additional drawback or bounty, on account of the higher duties and greater cost of his vessel, and has to sustain the shock after a considerable depression in the prosperity of his business. Computing the whole tonnage in the fisheries at 210,000; the loss on that, in a few years, must be equal to \$1,050,000, while the exports of dried fish (his gains as a producer) have almost ceased, and the whole business in whaling suffered rivalry and loss from the manufacture of lard oil.

If the hog, then, is painted in the West as devouring the whale, and if the white fish of the lakes are transported to the East, and sold even in sight of the flakes of our coast, as has happened the last season, so be it, if the result of equal laws and fair competition. But do not neglect or oppress that class whose numbers, though so noiseless, exceed all in the cotton manufactures of the whole Union, and were deemed so national an object by our fathers, forming a nursery not only for our commercial marine, but our gallant navy, and who aided so ably in the capture of Louisburg, (under a commander whose tomb and dwelling-house are near the mouth of the chief harbor of my State;) and even mingled with Rodgers's rangers, and helped to conquer Quebec; and poured out their blood like water on the decks of Paul Jones in the revolution, as well as in the hardest sea fights of Hull, Bainbridge, and Decatur, in the late war. Rely on it, air, always, in all exigencies, will they be found at their posts; and will compare in morals and worth, no less than daring courage, with any class of the North. The policy of England, on the contrary, has been to continue carefully to cherish her fisheries as well as navigation. Her annual income from

this source is computed at twenty millions of dollars; while ours, at only half that, and under depression, was to be further prostrated by the renewal of this restrictive policy. England, also, so far from increasing the burdens on her navigation, when embarrassed, has sought out new markets for it to visit, new products to be carried, and lowered the duties on all it consumes. Hence her tariff on hemp was low, and had been reduced—on timber, a trifle, if from her colonies, and on iron merely nominal.

But, beyond all this, the policy in our present tariff aimed at the destruction of the reciprocal treaties we possessed as to tonnage; and, in that way, would destroy the noblest carrying trade of the world. It breathed hostility to everything savoring of free trade, because a standing censure on their discriminating course. These treaties had already been threatened again and again, though without them we could claim no transportation of anything but exports of our own productions, as all other nations had a like right to carry the export of theirs. This would give us, in practice, only half the freights of all our exports and imports, and half the number of ships or tonnage engaged in our foreign trade. Many seem to believe we do not possess so great a proportion as that now, and a change is called for by the opponents of free trade; and a hue-and-cry is raised, that most of our foreign commerce is in foreign bottoms; and that English navigation, in particular, is yearly crowding us from the ocean. But how is the naked truth? and what are the losses and dangers the restrictive system is exposing us to? Setting aside the colonial intercourse between us and the British provinces, (which rests on peculiar principles, and, by frequent entries and clearances with passengers and steamboats, and little freight, has a fallacious appearance as to entries, though, in fact, we carry three-fourths of the freights,) the American tonnage, entering and clearing abroad, is nearly treble in quantity that of all the rest of the world; and the freights we brought home were, in 1842, valued to the extent of \$88,724,280; and all others only \$11,437,807. Those we carried out were quite three-fourths. These are near the proportions for some years. Who, after so many statements to the contrary, can look, but with amazement, on the comparisons in the table in my hands, compiled from official returns, of the greater number of entries by American than foreign vessels, from each of the great powers in the world, in 1842, as well as most of the smaller ones, except two, and think what must be the tendency of a system which would exchange this four-fifths for only half of the trade? (Table No. 15.)

We, from all the world, except the British colonies, had 4,259 vessels entering here, and all other powers, but 916; we, from England herself 614; she, and all other foreigners thence to us, but 370; we, from France, 406 vessels, and all others thence but 74; we, from Spain, 1,500, of which two-thirds were from Cuba; to all others, 82; we, even from Brazil, about which so much has been said, 174; and all others but 26. And, indeed, in all quarters of the globe, there are only two small governments, Sweden and the Hanse Towns, in which the balance is against us, and that balance in both of them inclusive not so much as it is in our favor with the small republic of Texas, in our own neighborhood. Yet those two trifling exceptions are often inconsiderately thrust forward, as conclusive evidence of the general operation of the reciprocal system on our for-

eign tonnage. Leaving other interesting details, I would only add, that another evil consequence from annulling the reciprocity system would be to destroy the whole of our carriage of all the ten to twenty millions which we yearly export of articles of foreign origin. Besides this, it will cut off a profitable and large branch of the carrying trade, nothing of which appears on our official records. It is of this character. Probably 100 to 150 American vessels clear yearly from Cuba to various parts of the world with sugar, molasses, and coffee, whose cargoes make no part of our commercial statistics. Many more clear also from Brazil, and some from various other ports in both hemispheres with cargoes for various quarters, of which we learn nothing, except by foreign statistics, and consular returns, or by the profits at some future period brought home in valuable imports. Something like 30 of our vessels have yearly gone with freights to those very *Hause Towns*; some to Antwerp and Trieste, and others still to other ports in the Baltic, from Brazil and Cuba, who, without the principle of our reciprocal treaties, could not thus carry a ton of foreign produce. Let then our shipowner then look to consequences before he longer approves a policy, likely to end in the destruction of much of this superiority on our part, in the indirect as well as direct carrying trade, and in a commercial marine second only to one power in the known world.

Let the farmer of the mammoth West and of the central States look to this, and the manufacturer, as well as navigator, of the North. Why, sir? Because this very trade, which makes a market for breadstuffs, lard, fish, and most of our exported manufactures in Cuba, Mexico, and Brazil, does it only because the sugar, coffee, and molasses, obtained in exchange, have been, in a great degree, shipped to the north of Europe, and their proceeds returned here in those very articles of foreign iron and hemp, which the present tariff and its anti-commercial policy tend to reject.

I hasten to the last consideration intended to be urged on this occasion; which is, that a tariff like this is not founded on a policy likely to be useful permanently to the true manufacturing industry of the country. What that branch of industry really needs, is a natural adaptation in the climate, raw material, or mines of the country, to aid the particular business pursued; and a steady, durable, incidental protection, by collecting, on revenue principles, a suitable portion of revenue from imports. This, too, had better be moderate and durable, with equal regard to all interests, than high and vacillating under party excitement. It had better, even for the manufacturer, be incidental to a clear revenue power and practice, than direct and high in the exercise of a protective power of doubtful character, and had better be equal to all interests, as well as manufactures, so far as incident to a just impost on imports, than be unequal, and thus exposed to changes and unpopularity as partial on the one hand, and oppressive on the other. Such a moderate and stable protection as this to manufactures I never shall resist, any more than did our fathers in their early tariffs, raising all of their revenue in that manner (rather than by direct taxes) which they needed and could obtain, without going above the revenue standard, and thereby injuring commerce, agriculture, and other great interests. Manufactures, under that system, flourished wherever the country was fitted for them; and the sagacity of such men as Franklin and Jefferson saw that

they would continue to grow, if lucrative, considering our state of society; and that they would succeed best, not by unnatural, but natural aid, and would push forward steadiest, under their own enterprise and vigor, by moderate duties, and the wants of the country, rather than by being driven ahead of them by forced marches under legislative favor. They did not follow the shiftless system of running to the government for everything, any more than did the farmers, lawyers, or doctors, any of whom, when in trouble, might as well ask public legislation to assist them. On the contrary, the reliance of all men should be on their own energies and skill, and local advantages, looking—as Sir Robert Peel at last sensibly advises the Tamworth farmers to do, after experiencing the evils of a different course—more to their manures, and less to government.

Even in 1791 many of the manufacturers (and especially the household ones) had acquired a strong foothold among our people. They were enabled to supply nearly as large a proportion of our wants then in cottons, woollens, soap, cabinet work, potters' ware, paper, oils, candles, &c., as they do now.

Mr. Dallas, also, in 1816, considered many manufactures as fully established, woollens, cottons, and linen, in some districts supplying "two-thirds, three-fourths, and even four-fifths" of their wants. But after the war, and individual enterprise had multiplied great corporate establishments for making cottons and woollens, which had not previously been so thrifty, the system of direct protection was demanded and acquiesced in for a temporary object to break the fall, or make the transition easier to a state of peace; but under a strong expectation that its continuance would be limited and temporary. The history of its influence since, even on many manufactures, is well known to have developed many mischiefs. First, it has been very fluctuating; the high protection and large profits at first tempting too much capital and too prematurely into such business; and thus soon reducing profits and leading to clamorous demands for duties still higher; and then, in hundreds of instances, of the finer branches of manufactures, after a series of additional protections, becoming inflated, till the bubble burst, and deplorable bankruptcies followed. It was a kind of intemperate excitement, that only required, in time, additional stimulants, till means and patience were exhausted, and the patient sunk. While other manufacturers not brought into being that way, and a few of those with agents of great foresight and skill, managed so as to continue through every revulsion, and yield fair profits. These last would continue to do the same under a revenue tariff with the aid of its steady and durable incidental protection. In the next place all can see that, if the increased duty makes the manufacture very profitable, it may soon become a political hobby to sustain or enlarge it in order to gratify those interested. Or if speculative rather than political manufacturing mingles with honest enterprise in procuring for it additional protection, a sale of the stock is made before a large diversion of capital and persons into this most profitable employment takes place, and reduces the income lower than the general standard, and often throws the loss, as in the mania about merino sheep and morus multicaulis, on unsuspecting purchasers. Besides this, if the manufacture be new and the owners inexperienced, or have skillful competitors abroad, and countries to contend with where labor and capital are much lower,

the business longer established, and where improvements in machinery are frequent, the enterprise will become a most hazardous and changeable one. It is my serious belief that, from such causes and various abortive experiments, and a want of skilful agents, and little omissions to procure early improvements and the best workmen, &c., &c., more capital has been lost in the last twenty years in the manufactures of cotton and woollen in New England alone, than the whole capital which is left in those branches, or the whole debt at the close of our revolution. Some of us there can speak feelingly and experimentally on this subject. At the same time, I neither conceal nor deny, that, from skilful attention and other fortunate circumstances, others have made large profits. But, as a whole, what have the Union, and especially New England, gained in the long run by such a system? They have gained, I admit, by those manufactures which grow without the aid of a hot-bed system; they will continue to gain by them. So have they gained by household manufactures of wool and cotton, where pursued at leisure moments, and by the decrepid or young, not fitted for much other employment, though unprofitable otherwise, now on a large scale, without the aid of modern machinery. But, under the first circumstances, they are often economical, healthy, moral; and it is they which Mr. Jefferson so eloquently commends as late as 1812, and Franklin as early as 1784.

The theory of the old and true policy was to let industry, of its own accord, and not by artificial exertions, pursue what was most natural to our state of society, the free genius and institutions of our people, and their position on the surface of the earth; not seeking to raise tropical fruits for our markets in the temperate zone, or to make our population live merely on exhilarating gas and champagne. What do gentlemen imagine has been the decline in such manufactures, after all the machinery and hot-bed aid to others—and others, too, whose great use of machinery, it is argued, sinks the household labors into insignificance and loss? Why, sir, though the prices of the last are little affected by the tariff, (they being mostly made to use, and not to sell,) yet, by the census, the “family made goods,” mostly wool and flax, equal yearly near \$30,006,000. They are stated at \$29,023,350; when the great woollen establishments, about which our halls have been so loudly and frequently besieged, yield only \$20,696,999; and the cotton establishments, noisier than their own spindles, yield but \$46,350,453. This is near half as much household, as both cotton and woollen of the great separate establishments. These returns are, doubtless, imperfect in some degree, but equally so as to both kinds. To see, also, how little the whole manufactures of the country have increased in the aggregate during 30 years, with such vast governmental protection, they are now returned at only \$239,836,224, when, in 1810, they were computed at \$117,694,602, and when the cottons, in 1831, were estimated by their friends at \$40,000,000, and have increased since but little more than six; and in 1810, with wool and flax, were estimated as high as they are now alone, except six to seven millions. And when the other manufactures, which sprung up before the protective system in 1816, have increased much faster in proportion, and those great industrial pursuits less protected, and even in some respects oppressed, have in agriculture probably quadrupled their annual produce, and nearly trebled

the exports of domestic origin, after supplying any additional home market. They have risen from \$42,366,659, in 1810, to \$113,805,634 in 1840. This is because the last is a congenial, suitable, and healthy employment, and the other, in most cases, is artificial, premature, and sickly.

Let it not be said that I wish to see the gains by modern machinery and steam abandoned, where these last can be used for large purposes, and with profit. But I would not see them attempted where the state of society, capital, and skill is not favorable to compete with others in the use of them, without ruinous risks and losses, unless bolstered up by high duties and taxes. I would buy and use such manufactures whenever cheapest and best; but for numerous home wants in a new and agricultural country, like much of ours, why not take what is produced by such establishments and improvements elsewhere, beyond what can be furnished through the frugal aid of household life? Why tempt our own people, by bounties, into the heated atmospheres of great establishments, forced into being, often prematurely here, by high duties, and at the expense of other large classes? What commendation can be bestowed on these, in a country young and enterprising, over the bracing air of the ploughman's field, or the rosy exercise of the dairy, or the transportation of the products of both over the mountain wave, and throwing the line and harpoon in every sea? Most persons point to New England as the best illustration of the great profits by the protective system. But beside the mischiefs already alluded to as incidental to it, what has she gained from it in other respects, when all her population connected with her great cotton establishments, would not fill a single county in several of our States? When the fisheries alone support greater numbers? When many of her sons are, in their habits, almost as web-footed as the sea-fowl which fly over their heads; when, if not diverted from agriculture, and navigation, and the fisheries, her hill-sides would, probably, have been ploughed nearer their tops, her swamps more thoroughly drained, her manures improved, additional inventions in raking, threshing, reaping, and sowing, sought out, or the present ones discovered sooner; her fisheries doubled and grown to what they are in England, and her ships still more and more carrying the surplus produce of much of the civilized world.

Her population and capital would, in that event, have been as large, if not larger, than now, and quite as hardy, moral, useful, and American, as it is now; and, by moderate and regular profits, far less tempting to inroads on our frugal habits, and on our primitive morals, now exposed to smuggling and all its train of demoralizations.

To be sure we have the flourishing villages that were often referred to. But, in one of them, a whole crop of early proprietors had lost their investments; in another, the church was deserted, and the dwellings and factory buildings desolate; and in the interior, numerous other cases existed of dilapidation and ruin to early establishments called prematurely and unskilfully into being by the bounties of your high protecting duties. And it was melancholy to reflect that even where some establishments had prospered, and cities clustered around them, it had been at the loss of the more remote country, draining it often of capital as well as enterprise and labor; and causing decline and desertion in one place to produce business and display in another.

Suppose, then, that their profits are great in some

establishments, and the wages of labor, as well as dividends on capital, high. Suppose, too, that there, in the vibrations of traffic, prices and markets, some have yielded exorbitant profits; yet they cannot long continue to do it steadily, without tempting (where everything is so open and free) other labor and other capital to flock to them and equalize their profits to what are made in other branches of industry. The whole business in cottons, woollens, iron, &c., on a large scale, depends so much for profits on little improvements in machinery and chemistry, &c., that the perils and reverses at times appal the stoutest heart. While, on the contrary, the large gains from machinery, which have been referred to by the chairman, are not permanent to that class, but temporary to them, though permanent and useful to the world at large. Others soon come in and employ them also, till the rate of profits is but little higher than in other pursuits. Hence, granting that England has not merely the labor of two millions, but over fifty millions of men, in her cotton machinery alone, and that of three hundred millions of men in all her manufactures—with machinery so perfect, that, if not talking, it tells when a thread breaks, or the water-power vacillates,—has not France, also, and Germany, and the United States, no less than her people, burst down the barriers of patents and the restrictions against the export of machinery, and let in all nations to the benefits of it, and reduced the profits of those using it to near the standard in other pursuits, unless raised higher, for a time, by discriminating and partial duties? Doctor Faustus, when he invented the type, might, like any other monopolist, profit much for a while by keeping the improvement secret, and adhering to old prices; but, soon as the invention becomes known, or the monopoly broken down, the individual gains in printing as well as other business, aided by machinery, had to stand little, if any higher, than those in employments not so aided. And pray tell me, sir, as a question of profit to the whole country by machinery in manufactures, and aids not derived from labor, is there no profit also to the whole by labor-saving machinery in agriculture—the plough and the scythe—by raking with horse power, and threshing, and even reaping and cleaning grain, the same way? But, much more, is there nothing in the dews and rains, and winds and sunshine, with which God has blessed peculiarly, and always will bless, his chosen race, the tillers of the soil?—nothing to aid the country in navigation beyond labor and capital?—nothing in the oceans, lakes, and rivers, that cover three-fourths of the globe, for highways to the seaman and merchant?—nothing in the winds, which blow freely to wait him?—nothing to the country in the fisheries, beyond labor and the vessel?—nothing in the shore and bank treasures of the finny tribes, growing for the adventurer without pay or expense; and the whales, which, unhired, await his coming in every sea? Opening the earth to all profitable employments, the bounties of Providence naturally attract more to agriculture, not only from its healthfulness, but safety and its best guards against famine and disease, so incident to crowded manufacturing. In the worst revulsions, the surplus of grain and meat can help to sustain life; but neither cottons nor woollens nor iron can be eaten, when markets fail, or war cuts off other supplies.

In another point of view, the supposed gain to this country by the use of machinery in great manufacturing establishments becomes, in truth,

only a question between the expediency of having them used here, where dearest, least understood, or least perfect, and abroad, where it is the reverse.

So, if we go to the statistics of the late census, similar results are demonstrated. It is imperfect in some respects, and conclusions somewhat different are drawn by different persons. But after being revised and corrected, the gains in manufacturing, though high, are probably not much higher than in other pursuits, if we deduct what is added by the discriminating duties. Without that deduction they reach near \$160 yearly on an average to each person employed and connected with them; whereas in agriculture, they yield but \$62, or less than half, and in navigation only \$80.

[Mr. EVANS here denied that he had stated the earnings in manufactures to be so high.]

No, sir; but the official returns, when duly revised, state this; and it can be accounted for fully in no other way than the protection they enjoy—great, even on a 20 per cent. duty, and much more on one of eighty or a hundred.

[Mr. EVANS said a deduction for interest on capital in manufactures should be made.]

So it might be in all other pursuits, as well as this, when you come to divide the gross produce between the capitalist and the laborer. But it happened that the capital was larger per head in agriculture, than in manufactures; it being \$235 each in the first, and \$200 only in the last, though in navigation it was higher, being \$303 each. (Tables No. 15 and 16.)

Gentlemen may take whichever horn of the dilemma is most agreeable; and if the profits are no higher, after the reduction of the gain by high duties than in other pursuits, there is no advantage to the whole country by the forcing system. We pay for all we get. But if they are higher after it, then the forcing is not necessary, besides its being partial and wasteful in order to aid them.

Many, however, urge that manufactures ought to be encouraged by a costly protective system, because their labor and business are so much more American than any other. The additional persons it employed in this country, it was argued, increased the public prosperity and independence enough to counterbalance all the evils of so unnatural and burdensome a system. Now, sir, a little analysis will expose the folly of this assumption. When more persons were tempted by war duties and privations, and then by the high discriminating tariffs which followed, to embark in manufactures, whence came they? They were either imported foreigners, (against whom, however, he nurtured no idle prejudices,) or they were Americans, previously engaged in agriculture, commerce, and the fisheries.

Now, did this change in pursuit of a thousand Americans increase the number of Americans before existing? It was still but a thousand in the new employment. And did the change make their labor and capital any more American than it had been before, by going from agriculture to manufacturers? So, if a portion of our present manufacturers under lower duties should quit these for the plough, the counter, or the deck, where they or their fathers before labored,—would they, by this restoration, cease to be Americans, or their industry cease to be American? By no means. And the prejudice excited by partisans against the foreign or pauper labor of Europe, in order to color the truth as to the case just stated, (but which it is perceived has no

concern with it, as, after and before the change, the labor of the same persons is just as American and just as little European as it was before,) is a prejudice which is to operate only when beneficial to them, and never when hostile to their interests. They never reject the *pauper labor* of Europe, if it emigrates here and works at lower wages in their establishments; but they invite it hither and hunt for it in Canada. They never reject it, if it comes here in the shape of new improvements in their machinery or dyes; but they send agents across the Atlantic to buy and import it. In fine, they never reject, but discriminate in favor of it, as compared with other articles, if it comes here as a raw material useful to manufactures.

The beggarly *lazzaroni* of Naples may labor to collect rags for paper, and it is all very well for the manufacturer to encourage it by a low rather than prohibitory duty, and make the community pay a high one on the paper manufactured from them. The convict laborer of New Holland, and the slaves of Morocco, may shear cheap wool and send it here free, or at a pittance of duty, to be used by the manufacturers, while those who use the woollens made from it must pay a high tax on them. Even the Indian toil of Chili or Buenos Ayres may throw the lasso and collect hides at small expense, and the manufacturers are willing to benefit at the lowest duties on them by all that pauper labor, and charge us high for the leather made from them; and act similarly by the labor of the serfs of Russia in raising hemp, which, though paying a higher duty, pays one not half so high as is imposed on us for the manufacture of it; and, without giving more instances, the very garments we wear are colored in part by indigo, cultivated by the slave labor of India, admitted free here; though the garments are taxed high, and though it is an American production, and once considerably raised in the Southern States. Hence there is no indemnity for the other injuries of the protective system, by its employing or encouraging, in these ways, either American labor or capital; but, on the contrary, a direct discrimination in favor of the pauper labor all the world over, to the injury of all American labor at all competing with it, or which might compete with it, if protected by as high a duty as is imposed on the manufactures from it. And why not shield our labor in one case as fully as in the other; and by a like duty, if any of it is evoted or would then be to such productions? And if the farmer (not now financier) of Andalusia should ask for more protection for his pine apples and grapes, could he not defend the prayer in aid of his American labor and capital, quite as plausibly as some parts of the present system are defended?

To show in other respects how little averse its friends are to the use of foreign labor and foreign products, when useful to them, and that entirely free, let me refer the Senate to thirty or forty such articles in the act of 1842—a list of most of which is appended to table No. 4.

The only escape from all this is a mere question of dollars and cents in profit and loss by manufactures over other pursuits; and not the plausible but exploded one, that they are more American, and therefore more patriotic. But as to those greater gains, we have already attempted to explain how, in the long run, the species of manufactures raised up by high protection has not been durably productive of large profits to the whole engaged in them, or of advantage to the community as a whole.

If the restrictive system, then, employs no more American labor and capital than would be employed in other pursuits and in profitable manufactures here without it; if it uses foreign labor and foreign products whenever more beneficial to the manufacturers themselves; if, in fine, it yields no greater profits to the whole country, as a whole, no greater ability and prosperity than without it,—I entreat gentlemen to point out how it is more patriotic, or useful than other pursuits, so as to produce those great advantages, in a general point of view, which are supposed by some to counterbalance the many evils already explained. The only specific position left in their favor, unexamined, is that they tend to make us independent, as a nation, of other countries. It is not independence in producing instruments and munitions of war, and for national defence, as many erroneously suppose; since those we have long made for ourselves, and the duties, high or low, are of little consequence; but it is independence for the necessities and comforts, as well as some of the luxuries of everyday and peaceful life. Yes, sir, this kind of independence is gravely urged as momentous to the nation, and for other classes, when the manufacturers themselves go to foreign countries for all their raw materials, dyes, and machinery, when obtained there cheaper; when they are dependent—and it is a part of their system to remain dependent on foreign countries for much of their hides, hemp, cheap wool, indigo, and hundreds of other articles, because they obtain them at lower prices there. Can gentlemen forget that this is an admission of all we contend for, which is to be dependent on other countries for manufactures themselves, no less than other articles, when we can obtain them there cheaper, and only then?

On this principle we only ask leave to amend this partial system, so that we may go for fine cottons and woollens to England and France, where long experience and skill, and great capital, enable them to make such articles cheaper than here, and where improvements, too, are rapid and great. So when dependence here between different classes and pursuits is commended by eloquent arguments in favor of diversity of pursuits and sweet interchanges of industry, is it forgotten that, under our system, this variety and kindness would still remain to a useful extent, and be, by our commerce, diffused wider to all people? It is this mutual dependence among inhabitants of all nations, as well as of the same, which is the great nurse of commerce, and wealth, and civilization. It divides among them the surplus of each as well as all their arts and learning and other excellencies. It is the pathfinder, not only to mutual gain, but a purer religion and higher prosperity, and more durable peace the world over. Foreign nations thus become as dependent on us as we on them—not political dependence, which is often inadvertently confounded with this, but social and commercial and literary dependence, which is the best guarantee of progress in human affairs.

It is folly to suppose that we or any other nation can unite successfully within itself the productions and manufactures of all others—all climates, and all stages of civilization; that we or England can raise as cheap and usefully the drugs of Turkey as Turkey herself, or the fruits of Spain, or wines of France; or they compete with England in making iron, or with us in raising cotton or pork, or making lead. And hence, while we ought not to become fanatics or visionaries, attempting to concentrate everything in one spot, (which alone

could be effected by Deity, but never yet, for wise reasons, has been done even by Him,) let us be content to buy all we need where it can without force be produced cheapest, whether at home or abroad; and sell all we do not need where it will bring most, whether at home or abroad. In this way, we shall follow out the apparent dictates of Providence, in giving advantages, in some things, to all climates and people, to be exchanged with others through the blessings of free commerce, and thus adopting the best apparent method of increasing our prosperity, and extending civilization, and securing peace throughout the world.

While all has changed, and is moving onward, are we to go back and cling to the dark restrictive systems of a ruder civilization?—are we prepared to take the backward step, so as to protect, by discriminating duties, the old channels of commerce by the Euphrates and the isthmus of Suez, and again to build up Tyre, Alexandria, and Venice, rather than doubling the Cape of Good Hope? Are we to tax higher the use of steam in navigation, so as to encourage oars and sails?

By officious legislation, sir, are we to stop all improvement; and, while this new power in commerce is bringing all nearer, and making every people better acquainted with each other's wants and abundance, not only transferring St. Louis to Pittsburgh, and New Orleans to Charleston, but Europe as near as Halifax in days of yore, are we to counteract these new facilities for more intimate, enlarged, prosperous, and free trade, and while the Celestial empire itself is opening its ports under the progress of the age, virtually block all foreign ones up to us and ours forever, by a more stringent and restrictive policy on our part?

Much more must we beware of pushing this selfish system so as to operate not equally on one great people, but invidiously on sections and classes. Still more must we beware of such an unjust course among ourselves, and under our peculiar form of government, founded and to be sustained only on mutual concessions, mutual sacrifices and gains, and what should be durable and faithful compromises. Beware, sir, of seeking to escape from such compromises—though in technical legislation not forever binding—lest all amicable and honorary engagements become stripped of much of their moral force, and we seem puny in appearance, if not in reality. Beware, too, of a permanent return to that system which has once been abandoned for its perils to all held holy in our political brotherhood. Beware of tearing open, to fester anew and worse, old wounds that had been mostly healed, and which wrong is inflicted by the exercise of such doubtful powers as will justify the wildest schemes of internal improvement, for that general welfare which can be set up by the interested in defence of all extravagances, can justify distributions of the public treasures or public lands, and end in the assumption of two hundred millions of State debts. Beware of a policy, constitutional or otherwise, whose tendency is like that which, in the British corn laws, now agitates our parent country to its centre.

Above all, sir, let us, like the senator from Maine, read the injunctions of the farewell address of the father of his country against the causes of disunion, as well as disunion itself. Let him read and re-read the injunctions of that warning voice against the spirit of partiality and encroachment towards fraternal rights—against the inroads that fanaticism, or avarice,

or party, in the domineering spirit of powerful majorities, may be tempted to risk. Let him tell them to beware as to inconsiderate memorials here to dissolve that hallowed Union, on account of one of the compromises which led to it; and above all, to beware how petitions are encouraged which, under the distresses of war, formerly were confined to a faction, and died on their way hither; at the news of peace. Beware how such petitions are now encouraged to stalk into this very hall, from State legislatures, and urge us to unsettle the great compromises on which the Union itself rests, and which, if prostrated, may lead not only to separation, but scenes of border warfare, if not servile conflagration and carnage such as never before crimsoned the pages of history.

Tables referred to in Mr. Woodbury's speech.

TABLE No. 1.

Several articles which pay a higher duty by the tariff of 1842 than that of 1828.

Articles.	1828.	1842.
Boots, silk - -	30 cts. pr. pair.	40 cts. pr. pair.
Coal—	6 cts. pr. bush.	
at 28 bus. pr. ton	1.48	
at 25 net	1.30	\$1 50
Cordage, tarred -	4 cts. pr. lb.	4½ cts. pr. lb.
*Cottons - -	80 pr. cent.	100 pr. cent.
Cotton-bagging -	{ 3½ cents pr. square } yard.	{ 4 cts. pr. sq. yd and 5 if gun- ny cloth.
Cotton laces -	12½ pr. cent.	20 pr. cent.
Glass, some kinds -	400 pr. cent.	500 or more.
Glass bottles -	\$2 to 3 pr. doz.	\$2½ to 4.
Molasses - -	5 cents pr. gal.	5½ on weight.
Saddlery - -	25 pr. cent.	30 pr. cent.
Shoes, some -	25 cts. pr. pair.	30 pr. cent.
Silks, some -	20 pr. cent.	30 to 60 pr. ct.
Steel, pr. cwt.	\$1 50	\$2 50
Twine - -	5 cents pr. lb.	6 pr. lb.
Ware, crockery -	20 pr. cent.	30 pr. cent.
Ware, japanned -	25 pr. cent.	30 pr. cent.
Woollens, some -	50 pr. cent.	40 to 67 pr. ct.
Woollens, camlets -	15 pr. cent.	20 pr. cent.

* On one kind of cottons, such as printed handkerchiefs, the duty is more than a hundred per cent. higher than in 1828; and many of the specific duties in this table would be much more above those in 1828, if reduced to a scale *ad valorem*.

TABLE No. 1—Continued.

Others which pay as high a duty by the act of 1842 as by that of 1828.

Articles.	1828.	1842.
Copperas - -	\$2 pr. cwt.	\$2 per cwt.
Clothing, made up -	50 pr. cent.	50 per cent.
Copper - -	4 cents pr. lb.	4 cents pr. lb.
Glass, some kinds -	{ 350 cents pr. square foot. soon falling to 10 cts. pr. bushel.	{ 350 cents pr. square foot.
*Salt - - -	{ 10 cts. pr. bushel.	8 cents
*Sugar - - -	3 cents pr. lb.	2½ cents pr. lb.

* The specific duties in 1842, on these two articles, would be a higher per cent. on their value in 1842 than those were in 1828, as the value of the articles then was so much higher. Several other articles might be added which are in a similar situation.

TABLE No. 2.

Several articles in the tariff of 1842, which pay a higher duty than 30 per cent.—when specific, reduced to a scale ad valorem, at the Treasury Department, except when in brackets.

Boots, silk	-	-	-	50 to 75 per cent.
Coal	-	-	-	61
Cordage	-	-	-	71 to 188
Cottons	-	-	-	49 to 63
*printed handkerchiefs	-	-	-	[132]
many others	-	-	-	[50 to 150]
Cotton bagging	-	-	-	53 to 55
gunny cloth	-	-	-	[100]
Clothing, made up	-	-	-	40 and 50
embroidered	-	-	-	50
Flour, wheat	-	-	-	70
Fruits	-	-	-	50
Glass, computed by merchants	-	-	-	[186 to 243]
Gloves, children's	-	-	-	75 to 50
kid	-	-	-	60
Hats	-	-	-	[35]
Hemp	-	-	-	[39]
Iron, † pig	-	-	-	45 to 72
scrap	-	-	-	50
bar	-	-	-	85
rolled	-	-	-	77
Leather	-	-	-	53
Lead	-	-	-	[100]
whiting	-	-	-	146
Linseed oil	-	-	-	[50]
Molasses	-	-	-	51
Oil-cloth	-	-	-	67
Opium	-	-	-	75
Pepper	-	-	-	130
Paper [97 by merchants]	-	-	-	35
Salt 80, [and Turk's island]	-	-	-	144]
Silks	-	-	-	40 to 65
Shoes	-	-	-	50 to 75
Soap, soft	-	-	-	50
Sugar, brown	-	-	-	71
refined	-	-	-	101
syrup	-	-	-	[161 by merchants]
Spirits	-	-	-	61
Spices	-	-	-	[50 to 90]
Tobacco, in cigars	-	-	-	40
Wines	-	-	-	60 to 67
Woollens	-	-	-	40 to 87

*Several articles pay so high a duty now, as to stop all imports of them; and hence the rate has to be computed otherwise than at the department, and on the values of 1840.

† See a schedule, computed on an English price current of Steward & Co.

‡ Seventeen articles pay from 45 to 235 per cent. on their cost abroad. See table in memorial from New York. See annexed the articles and rate per cent. on the foreign cost.

Articles.	Ad valorem rate of such duty.
Anvils, Wilkinson's warranted	70 per cent.
Brass battery or hammered kettles	50 per cent.
Butt hinges, cast iron	73½ per cent.
Hammers, blacksmiths'	67 per cent.
Iron, in bars	112½ per cent.
" under 5-8 inch square	240 per cent.
Iron, sad or smoothing, tailors' and hatters'	140 per cent.
Lion wire, No. 0 to 5	235 per cent.
" No. 14	220 per cent.
Iron wrought nails, rose-head, a bag of 100lbs.	
8d.	103 per cent.
Plas, mixed	75 per cent.
Saws, cross-cut and pit	76 per cent.
Screws, iron, called wood screws	87 per cent.
Bright trace-chains, 6½ feet, No. 3, iron	144 per cent.
Kitchen furniture, such as saucepans, kettles, &c., tinned	45 per cent.
Bright ox and log chains	160 per cent.
Jack chain	96 per cent.

TABLE No. 3.

Articles on which most of the duties are paid under the present tariff, estimated on imports* near the same as in 1840, in value.

Sugars yield near	-	-	-	\$3,500,000
Silks†	-	-	-	3,500,000
Spirits	-	-	-	2,000,000
Woollens	-	-	-	2,000,000
Iron	-	-	-	1,500,000
" manufactures of	-	-	-	500,000
Cottons	-	-	-	1,500,000
Linens	-	-	-	1,200,000
Molasses	-	-	-	1,000,000

Revenue paid by only 8 articles \$16,700,000

NOTE.—All are necessities, except spirits, and some kinds of silk; and all unfortunately happen to be rivalled here—even spirits.

* But imports were less in 1843 than in 1840; so that they did not yield over \$17,500,000.

† Must have declined, as silks are now taxed so much higher than in 1840.

TABLE No. 4.

Duties, discriminating for manufactures and against agriculture, &c.

Agriculture and other raw material, low.	The manufactured materials, high.
Hides,* 5 per cent.	Leather, 35 per cent.
Linseed, 5 per cent.	Linseed oil, 25 per cent.
Wool, cheap, 5 per cent.	Woollens, 25 to 60 per cent.
Cork, bark, free	Corks, made, 25 to 30 per cent.
Rags, for paper, 1 ct. per lb.	Paper, 15 to 17 cents per lb.
Quills, unprepared, 15 per ct.	Quills, prepared, 25 per cent.
Silk, raw, 50 cents per lb.	Silks, \$2 50, &c.
Bristles, 1 ct. per lb.	Brushes, 30 per cent.
Brass, crude, free	" Brass, manuf'd, 30 per cent.
	" kettles, 12 cts. per lb.
	" Cordage, 100 to 130 per cent.
	" Cotton bagging, 50 to 80 p. ct.
Hemp, 30 to 32 per cent.	" Cotton cloths, 80 to 120 per ct.
Cotton, 3 cts., or 33 to 25 per ct.	" Flax, manuf'd, 25 to 50 per ct.
Flax, raw, 1 ct. or 7 to 9 per ct.	" Lead, pipes, &c., 4 cts. p. lb.
Lead, crude, 1½ to 3 cts. per lb.	" white & red, 4 cts. "
Tin, crude, in pigs, 1 per cent.	Tin, in plates, 2½ per cent.
Wood, rough, 20 per cent.	Wood, manuf'd, 30 per cent.

*\$4,118,000 were the imports of only three articles out of the fifteen, in 1840—viz:

Hides	-	-	-	\$2,756,214
Cheap wool (under 8 cents)	-	-	-	675,009
Hemp (all kinds)	-	-	-	686,777

\$4,118,000

List of articles free, and connected with manufactures:

Models of machinery.	
Berries,	} used principally in dying.
Nuts, and	
Vegetables,	
All dye woods in sticks.	
Barilla.	
Bark of the cork tree, unmanufactured.	
Bells, or bell metal, old and only fit to be remanufactured.	
Brass in pigs or bars, and old brass only fit to be remanufactured.	
Brazil wood.	
Crude brimstone.	
Burr stones, unwrought.	
Clay, unwrought.	
Cochineal.	
Old copper, fit only to be remanufactured.	
India rubber, in bottles, or sheets, or otherwise unmanufactured.	
Old junk and oakum.	
Kelp.	

Madder and madder root.
 Mother of pearl.
 Nickel.
 Palm leaf, unmanufactured.
 Pewter, when old and only fit to be remanufactured.
 Platina, unmanufactured.
 Ivory, unmanufactured.
 Plaster of Paris, unground.
 Rattans and reeds, unmanufactured.
 Saltpetre, when crude.
 Stones, called polishing stones.
 Stones, called rotten stone.
 Sumac.
 Tartar, when crude.
 Woods of all kinds, unmanufactured, not herein enumerated.

TABLE No. 5.

A list of agricultural articles, on which higher duties are imposed; but which are not raw materials for manufactures here, and are not rivalled abroad so as to be imported much, or to need any protection here.

Articles.	Duty by act of 1842.	Value imported in 1840.
Beef	2 cts. per lb.	\$12,432
Pork	2 " "	14,087
Bacon	3 " "	
Hams	3 " "	
Cheese	9 " "	23,229
Butter	5 " "	3,763
Lard	3 " "	7
Wheat flour	70 cts. per cwt.	430
Indian meal	20 cts. per cwt.	00
Potatoes	10 cts. per bushel	16,960
Wheat	25 cts. per bushel	639
		\$71,547

TABLE No. 6.

Rate of duties before the year of 1812, and the act of 1816.

First act in 1790.	Raised in the same year, and in 1792, 1794, 1797, &c. so as to be, from 1805 to 1812,
Coal 2 cts per bush.	5 cts. per bush.
Coffee 2½ cts. per lb.	5 cts. lb.
Cordage (tarred) ¾ of a ct. per lb.	2 cts. per lb.
Clothing, made, 7½ per ct.	10 per ct.
Cottons 5 per ct.	15 & 2½
Glass 10 per ct.	150 pr foot (window)
Hemp 60 cts. per cwt.	100 per cwt.
Iron, rolled, 7½ per ct.	15 & 2½
steel ½ ct. per lb.	
nails 1 ct.	
Molasses 2½ cts. per gal.	4½
Salt 6 cts. per lb.	free after 1807
*Sugar, brown, 1 ct. per lb.	2½
Shoes, leather, 7 cts. per pair	15
Silks 5 per ct.	15
Teas per lb. 6 to 20 cts.	12 to 40
Ware, crockery, 10 per ct.	15 & 2½
Woolens 5 per ct.	15 & 2½
Articles not enumerated in the act, 5 per ct.	7½

*The specific duties on sugar, molasses, salt, &c., were much less when computed *ad valorem*, than like duties would be now, as the prices of the articles are much lower.

TABLE No. 7.

Prices of several manufactured articles and others connected with manufactures in England.

Years.	Salt, per bushel.	Hats, each.	Salt-petre, cwt.	Logwood, per ton.	Cochin, cwt.	Pearl ashes, cwt.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1795	5 0	2 8	135 0	11 0	12 0	56 0
1806	6 4	3 0	63 0	20 0	26 0	51 0
1821	19 4	3 0	27 0	6 10	24 0	27 0
1824	4 9	3 0	21 6	9 0	16 0	31 0
1835	1 3	3 0	24 6	5 0	7 6	25 0
1836	-	-	-	5 0	7 0	36 0
1838	-	-	21 0	7 0	6 4	25 0
(*)	(†)	(‡)	(§)	()	(¶)	

*See 2 Tooke, 397; and 2 McCulloch's Dictionary, p. 350.

†Salt is free, and has naturally fallen.

‡On a high duty, and risen.

§Under a lower duty, and fallen much.

¶Fallen under a low duty.

¶Fallen under a low duty.

TABLE No. 8.

Prices of several agricultural products, with tea, coffee, and spices, in England.

Years.	Cheese, per lb.	Butter, per lb.	Beef, per tierce.	Flour, per sack.	Coffee, cwt.	Tea, Hyson, per lb.	Spices, per lb.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1795	5½	8½	92	3 5	72 a 95	4 6	11 0
1806	7½	11½	135	4 2	115 a 143	4 8	4 9
1821	6	11	120	2 5	105 a 125	5 5	8 6
1824	4½	7½	90	2 6	60 a 73	3 6	6 7
1835	4	7	100	1 11	55 a 81	3 2	8 0
1836	4	10	107	-	80 a 96	2 2	7 8
1838	-	8½	112	-	63 a 81	2 3	6 6
	(*)	(†)	(‡)		()		(§)

*High duty, and higher price.

†High duty, and higher price.

‡Duty lower, and fallen.

§Duty lower, and some fall.

TABLE No. 10.

Wholesale prices at New York for a series of years.

Years.	Salt, per bushel.	Sugar, per lb.	Coffee, per pound.	Tea, per lb.	Molasses, per gall.
1805	-	-	31	-	-
1811	-	-	21	-	-
1815	80 a 85	15 a 17	24 a 27	1 25 a \$1 50	60 a 75
1825	41 a 48	9 a 12	11 a 12	30 a 1 35	24 a 30
1830	39 a 42	7 a 10	11 a 13	30 a 1 30	27
1834	31 a 36	7 a 9	10 a 13	13 a 1 00	22 a 31
1836	30 a 33	10 a 13	11 a 14	15 a 1 10	36 a 40
1844	22 a 27	6 a 7	5½ a 11	20 a 90	25 a 30

No. 10—continued.

Years.	Logwood, per ton.	Hides, per lb.	Rags, per lb.	Copper, per lb.	Lead, per lb.	Coal, per ton.
1805	-	-	-	-	-	-
1811	-	-	-	-	-	-
1815	35 a 40	13 a 14	6 a 10	-	9 a 11	20 a 22
1825	22 a 26	12 a 14	7 a 10	16 a 26	7 a 8	
1830	23 a 28	11 a 15	3 a 5	16 a 22	4 a 5	
1834	15 a 25	12 a 13	2 a 8	16 a 24	5 a 6	7 a 10
1836	15 a 27	9 a 14	5 a 8	19 a 25	6	8 a 12
1844	16 a 27	9 a 12	4 a 7	16 a 23	3 a 4	8 a 8.50

No. 10—continued.

Years.	Iron.			
	Pig, per ton.	Bar, per ton.	Rolled, per ton.	Nails and sheet, per lb.
1805	-	-	-	-
1811	-	-	-	-
1815	\$50 a \$55	\$120	\$90 a \$120	-
1825	35 a 50	105 a 115	70 a 75	61 a 8
1830	40 a 50	80 a 85	72 a 75	6 a 8
1834	33 a 45	72 a 75	72 a 75	61
1836	40 a 45	75 a 90	80 a 85	61
1844	25 a 34	70 a 100	57 a 70	11 a 12

No. 10—continued.

Years.	Plaster of Paris per ton.	Beef, per bbl.	Pork, per bbl.	Butter, per pound.
1805	-	\$10	-	-
1811	\$20	16 50	\$22	-
1815	10 50	12 50 a \$14	20	20 a 23
1825	5 25	7 50	10 50	8 a 16
1830	4	5 50	9 25	12 a 16
1834	3	5 75 a 6	9 50 a \$10 50	12 a 16
1836	4	9 75 a 10 25	17 50 a 18	20 a 25
1844	2 25	4 a 4 75	7 a 7 75	8 a 12

No. 10—continued.

Years.	Cheese, per pound.	Northern corn, per bushel.	Wheat, per bushel.	Flour, per bbl.
1805	-	\$1 25	-	\$13
1811	-	1 15	\$1 25	7 50
1815	11	1 12	1 75	8 50
1825	5 a 7	42 a 53	1	5 25
1830	6 a 8	52 a 53	80	5
1834	71 a 9	60	1 75 a \$5	7 a 8
1836	6 a 9	53 a 85	1 75	4 75 a 5 75
1844	41 a 51	47 a 48	1 a \$1 10	4 75 a 5 75

No. 10—continued.

Years.	Common wool, per pound.	Flax, per pound.	Hemp, per ton.	Cotton, per lb.
1805	-	-	-	25
1811	-	-	\$300	21
1815	50 a 60	11 a 12	300	20
1825	30 a 35	-	155 a \$170	20
1830	16 a 22	9	210	11
1834	30 a 35	9 a 11	150 a 175	10 a 13
1836	35 a 40	8 a 11	170 a 200	9 a 20
1844	27 a 29	8 a 11	127 a 180	8 a 10

TABLE No. 11.

Wholesale prices at New York of the following articles:

Years.	Cordage, per pound.	Duck, per bolt.	Cotton-bagging, per yard.
1805	-	-	-
1811	-	-	-
1815	12	15 a 28	-
1825	71 a 10	61 a 181	17 a 21
1830	91 a 101	10 a 18	13 a 21
1834	91 a 10	11 a 17	17 a 21
1836	8 a 10	11 a 16	15 a 22
1844	11 a 12	71 a 17	13 a 18

No. 11—continued.

Years.	Shirtings, per yard.	Calicoes, per yard.	Leather, per lb.	Lumber, pr. 1000 feet.
1805	-	-	-	-
1811	-	-	-	-
1815	-	-	22 a 28	23
1825	11 a 15	15	22 a 28	15
1830	8 a 11	-	18 a 25	13 a 15
1834	6 a 9	9 a 20	16 a 27	17 a 18
1836	10 a 12	-	14 a 24	17 a 18
1844	5 a 8	6 a 8	14 a 19	10 a 11

TABLE No. 13.

Year. To England and her dependencies. To all the world.

All domestic exports.

1822	\$30,041,337	\$49,874,079
1832	37,268,556	63,137,470
1842	52,306,650	92,969,996

Cotton.

1822	16,250,253	24,035,058
1832	22,496,346	31,724,682
1842	30,135,412	47,593,464

Breadstuffs.

1822	1,760,703	6,263,237
1832	2,386,829	5,583,990
1842	6,750,682	9,888,176

Tobacco.

1822	2,860,173	6,222,898
1832	2,516,073	5,999,799
1841	5,849,581	12,576,703
1842	3,624,945	9,540,755

Beef and Cattle.

1822	271,796	844,534
1832	414,454	774,087
1842	540,710	1,212,638

Butter and Cheese.

1822	41,017	221,041
1832	109,319	290,820
1842	245,286	388,183

Pork, Lard, &c.

1822	135,315	1,357,899
1832	628,583	1,928,196
1842	1,219,994	2,629,408

Sperm Oil.

1822	-	8,972
1832	2,457	38,164
1841	251,431	343,300
1842	140,204	233,114

Lead.

1822	-	3,098
1832	22	4,483
1842	90,888	523,428

Naval Stores—Tar, Rosin, and Turpentine.

1822	434,733	457,562
1832	435,425	476,291
1842	616,478	742,329

Timber and Lumber.

1822	542,874	1,657,401
1832	708,576	2,149,651
1842	784,754	3,230,923

TABLE No. 9.

Date.	Beef, per bbl.	Flour, per bbl.	Northern In- dian corn, per bushel.	Rice, per cwt.	Cotton, per lb.	Tobacco, per cwt.	Coffee, per lb.	Tea, per lb.	Sugar, per lb.	Molasses per gall.
1795	\$15 00*	\$18 00	\$1 00	\$7 00	33 cts.	\$6 00	21 cts.	\$1 33	14 cts.	60 cts.
1800	8 00	17 00	75	4 50	40	5 00	25	1 34	14	48
1805	10 00	16 50	1 25	4 50	25	8 00	31	1 20	14½	40
1810	10 00	19 00	1 15	4 00	16	8 00	24	1 00	13½	48
1815	12 50	25 00	1 00	3 63	20	7 00	23	1 75	16	75
1820	10 00	14 50	60	3 75	16	7 00	26	1 95	10	34
1825	7 50	14 00	53	3 50	12½	10 00	18	1 00	11	28
1830	7 75	12 00	55	3 00	11	6 00	12	90	9½	25
1834*	8 50	5 50	66	3 36	12½	7 00	12	70	10½	34
1844	4 33½	4 81 to 5 62	47	3 00 to 3 00	8 to 10	3 00 to 6 00	7 to 5	25 to 40	6½ to 8	25 to 31

TABLE No. 15.

Number of entries from abroad of American and foreign vessels during 1842.

	No. of American vessels.	No. of foreign vessels.
From all foreign ports, exclusive of British North American	4259	916
Great Britain and Ireland*	614	373

Spain and Spanish colonies†	1500	82
France and French colonies	406	74
Hayti	194	3
Kingdom of the Netherlands and its colonies	178	19
Brazil	176	26
Denmark and Danish colonies	144	23
Mexico	109	13
The Pacific ocean	127	
Texas	96	
Venezuela	86	23
Naples and Sicily	69	19
The Atlantic ocean	56	
Buenos Ayres	49	
Portugal and Portuguese colonies	44	7
Hanse Towns	43	112
Africa	41	
Belgium	35	20
Russia	28	12
China	26	
Sweden	23	47
Turkey	20	
Italy	17	3
Trieste and Austrian ports	15	1
Central America	14	
New Grenada	14	4
Asia, generally	10	
Prussia	2	
Sandwich islands	2	
Sardinia	1	1
Peru	1	

* The British colonies are peculiar in the laws, and in the frequent entries with passengers, &c., and are omitted in the table. They are 2,586 American, and 3,699 British.

† Near two-thirds of these are from Cuba.

TABLE No. 14.

Old.	New—lower.		
	£	s.	d.
Cables	-	10	0
Cider	-	21	10 0
Cotton, (cwt.)	2	3	11
Coffee	-	1	3
Cordage	-	10	9
Bacon	-	1	8 0
Beef	-	12	0
Hay	-	1	4 0
Hemp	-	4	15 0
Hides	-	4	8
Lard	-	8	0
Lead	-	2	0 0
Leather, (up.)	1	10	0
Pork	-	12	0
Potatoes	-	2	0
Rice	-	15	0
Soap	-	4	10 0
Tar	-	15	0
Turpentine	-	1	6 2
Wood and lumber,			
Wheat,†			

Same as only 7½ per lb.

6 0 cwt.

10 10 0 ton.

6 lb.

6

14 0 cwt.

8 0 do

16 0 load.

4 0 cwt.

6

2 0 cwt.

1 0 0 pig, and sheet per ton.

Reduced about one-half.

* The duties by both the old and new tariffs are lower in most cases on English colonial products of the same descriptions.

† The average 3s. when cost 71s. per quarter, for wheat; and about 32 per cent. at their ordinary prices under the sliding scale.—(British Almanac, 1843, p. 132.)

TABLE No. 16.

Table of population, capital, and income, connected with each branch of industry in the United States, in 1840

Population by the census, as viewed by some.	Capital.	Income by the census, computed by Tucker.
Agriculture, 3,687,904	-	\$654,337,337
Manufactures, 554,168	-	239,836,224
Trades, 237,581	-	
Navigation, commerce, and fisheries, 206,604	-	91,717,094
Mines, forests, &c. 92,507	-	59,293,821
Aggregate, 4,798,769	-	\$1,045,134,736
		By the Com. on Man. in Sen., 1842.
Agriculture - - -	-	\$1,252,632,223
Manufactures - - -	-	457,875,238
Commerce (fisheries alone) - - -	-	15,204,142
Mining, forests, and professions (mines and forests) - - -	-	69,927,130
Omissions - - -	-	204,310,257
*Aggregate - - -	-	\$2,000,000,000
By the census, apportioned and revised by me.	By the census as computed by me.	By myself.
† Agriculture, 12,750,000	\$3,600,000,000	\$800,000,000
Manufactures, and trades, 1,500,000	300,000,000	239,836,224
Navigation, fisheries, &c., 1,250,000	390,000,000	100,000,000
Mines, forests, &c. 1,500,000	340,000,000	80,000,000
Aggregate, 17,000,000	\$4,000,000,000	\$1,219,836,224

*In France, the annual produce from her land is computed at \$652,221,812; in England, \$1,400,000,000; and from manufactures only about \$340,000,000.

†In apportioning the numbers of our whole population among the different pursuits in proportions, as indicated by the late

TABLE No. 17.

Proportion of capital and income in 1840 to each person connected with each branch of industry in the United States.

Computed on the tables as revised by me.	Capital per head.	Income per head.
Agriculture - - -	\$235 00	\$62 00
Manufactures - - -	200 00	159 00
Navigation and fisheries - - -	303 00	80 00
Mines, forests, &c. - - -	213 00	53 00
Aggregate and average* - - -	235 00	71 00

*The average income per head in the United States has before been estimated at fifty to one hundred dollars per head. The medium seventy-five dollars.—See Pitkin.

Professor Tucker makes the average eighty-four dollars in New England, to one hundred dollars elsewhere, and varies as confined to free persons or all the population.

In England, the average income is, from all sources, about one hundred dollars per head.—See Spackman's Statistical Tables, p. 160.

About the same to those connected with agriculture, and near one hundred and thirty dollars per head to those connected with manufacture.

TABLE No. 12.

Exports abroad.

Date.	Pork and lard.	Beef, cattle, &c. cwt.	Butter & cheese, lb
1840	\$1,800,000	600,000	200,000
1841	2,600,000	900,000	500,000
1842	2,100,000	1,200,000	3 to 400,000
1843*	2,600,000	1,300,000	600,000

census, it is to be remembered that the census does not, as in England, return only those above twenty years of age devoted to each branch of business; but it includes usually, though not always, only the adult males employed in agriculture and commerce, while in manufactures it embraces women and children to the extent of more than one half of the whole number in some kinds.

*The last year is an estimate for one quarter, and actual returns for three quarters, to which I have had access.

Electron (in politics)

SPEECH

Wm. D. Hayes

OF

MR. DUNCAN, OF OHIO,

In the House of Representatives, March 6, 1844—On the bill introduced by him to regulate the election of electors for President and Vice President and members of Congress throughout the United States.

Mr. DUNCAN spoke as follows:

There is no higher duty we owe to ourselves, to each other, and to our country, in whatever situation we may be placed, or whatever sphere in life we may fill, than to understand the nature of our government, and the civil institutions by which our rights are to be maintained as citizens, and by which our civil duties and obligations towards each other are to be regulated. This duty is not more binding upon us in a civil than in a political sense. It is indispensable to a faithful discharge of our duties as private citizens that we should understand the duties of a citizen. Those duties involve a knowledge of the legal and political restraints which civil government throws upon us and brings us under. These civil duties and obligations are common to, and binding upon, all men in a state of organized society, whatever the form of government may be; but we, as American citizens, in addition, to these duties, owe some of a higher character which may more properly, be denominated political duties, which I contradi-

distinguish from civil duties for the purpose of illustration. Civil duties, and a knowledge of the obligations which civil duties impose, appertain to the subjects of a monarchy or an aristocracy. The same civil duties, in proportion to the requisitions of law, appertain to the citizens of a republican government; but owing to the fact that each individual here is not only a citizen, but also a member of the republic, and a part of the law-making power, he owes some higher duties than a mere citizen. Those higher duties I call political duties. Obedience is the duty of the humble subject of the monarchical government, while command, is the prerogative of the monarch; but in a republican government, the duties of obedience and submission are united with the prerogative to command, in the same person. Such is the nature of our government. With us, no man can be so low as to shake off the duties of legal and constitutional submission; no man can be so high as to be exempt from them. No man can be so low (in crime excepted) as to excuse himself from a participation in the duties of governing. No man can be so high as to transcend exemption from the obligations and duties of the most humble citizen, or to exercise powers in the establishment of rules of civil conduct, not common to each and every citizen, only as that power is delegated to him by the suffrage of those he represents, in whatever official position he may occupy. And this leads me to an exposé of the character of our government. That I do, not only in conformity with a high duty which I owe as a citizen in common, but as a representative; I do it not only because we cannot too frequently refer to first principles, whether in a private or in an official capacity; but because the bill under consideration, in its defence

and advancement, requires such an exposé, in order to illustrate the absolute necessity of this bill becoming a law.

Sir, our government is a government of the people. It was created by the people; it is sustained by the people; and the people are the government, to every political purpose and intent. And in these consist the great and fundamental difference between a republican (or democratic) form of government and all others. I believe there are but three distinct forms of government regarded as fundamental, viz: a monarchical, an aristocratical, and a republican form; all others are modifications or mixtures of those. All governments were republican in their origin; no people ever were so blind to their own interests, and so regardless of their individual privileges and natural rights, as to surrender them into the hands of any one man or set of men, to dispense them at his or their pleasure or caprice. I make another assertion—that is, that man possesses all the requisites for self-government; and to deny those requisites is a slander on the human family, and a base imputation on the Almighty. I also assert, that no government ever fell by the corruptions of the people. Why, then (it has been and will be asked) have all republics fallen? Why have all governments which depended upon the aggregate wisdom and stability of the people, failed? It is part of my purpose, in my support of the present bill, to answer these interrogatories. At present, I wish to define and illustrate the character of our government; and, for that purpose, to illustrate the principles of other governments, and to expose the difference, to the end that ours may be the better understood.

A monarchical government is that which concentrates all power, legislative, judicial, and ministerial, in the hands of a single individual. An aristocracy is that form of government which places the same powers, and the same amount of power, in the hands of a few individuals. Such governments are called absolute monarchies, or absolute aristocracies, as the case may be—absolute, because the mass of the people have no participation in making, adjudicating upon, or executing the laws by which they are governed. Their civil duties consist in submission and obedience; prerogative duties in commanding submissive obedience to the laws which they have no hand in making, and submission and obedience to the adjudication of laws, without any part in the adjudication and submission, and obedience to the execution of the laws, without any share in the execution, only as the subjects of execution. In such governments, the people are a kind of political automatons, without political will or volition, which move merely as they are moved by the will of the laws which govern them, or the will of him or them who make the laws. Such a people may bear, in their external form, the image of their Maker for a time, but have the soul of Balaam's ass; and in time will become asses both in soul and body. A monarchy and an aristocracy may both assume a representative character, by a

delegation of the prerogatives of law making, law adjudication, and law execution, which is most generally the case in extensive monarchies and aristocracies: but representative change does not change the character of the government; it only operates to the ease of the monarch, or to those holding power in an aristocracy, not to the relief or enfranchisement of the people. Those who receive the delegation of such prerogatives, are the representatives of the original power; and it is his will, power, and interests, they are bound to promote—not the interests of the people. And it is most generally the case, that representative monarchies and aristocracies are the most oppressive of all governments; they increase taxation, and oppress still more by means of collection, without, in any particular, elevating the character or condition of the subject. But I have neither time nor space to pursue the investigation in detail; it is sufficient to say they are, both in their nature and practical operation, calculated to oppress the subject, and are worse than no government. I would prefer anarchy; I would rather die in defence of my natural rights, than live a slave. A republican government, I repeat, is a government of the people. The people and the government, in a political sense, are the same. I have said, in all republics, all political prerogatives belong to the people: this is literally true. Though our government is a representative democracy, yet all power is in the hands of the people; and their representatives are but their agents, bound by their will, responsible to them, and removable at their will. It was impossible, at the commencement, that ours could be any thing but a representative democracy; our population was too great, and our territory was too wide spread to admit of a simple democracy. The framers of our government were compelled to give us a representative democracy—that is, to authorize us to appoint agents to do that for us, which we, according to the fundamental principles of democracy, should have done ourselves. Our ancestors, in the formation of our government, provided the means by which we should appoint our agents. The power and the means by which we appoint our political agents or representatives, is called the elective franchise. To define all of our free institutions which make up our proud and glorious political fabric, is foreign to my present purpose, nor does the support of the present bill require such a range. There is one of our free institutions which I propose very briefly to discuss—I mean the elective franchise. That is one which, of all others, demands our attention, our consideration, and our especial guardianship. Of all our proud institutions, that is the proudest; of all our free institutions, that is the most valuable. It is the soul and the body of our republic; it is the basis of our political fabric; it is the foundation of all our free institutions. Destroy it, and our government loses its name, and all our free institutions are annihilated. They become, in an instant, a part of the dust of other republics; and, with them, must be numbered among the things that are not. The elective franchise is not only the arch of our own, and every other republic, and the main pillar of the temple of liberty, but it is the rule by which freedom is measured; for, just in proportion to the exercise of the elective franchise, so are any people free and sovereign. Freedom and the elective franchise are synonymous terms and handmaidens. The one has no abiding-place without the other. They walk hand in hand together; they live together; they die together. The framers of our government were so

conscious of the vast importance of the elective franchise, that they interwove it in the political institutions of our country in such a manner that it could not be destroyed without bringing ruin upon all others. Our ancestors had a right to expect that this franchise, which was purchased with the blood of thousands, and with the treasure of millions, would be appreciated as a rich legacy—would never be squandered. They had a right to suppose that those moral, political, and patriotic obligations and sacred covenants which descended upon their posterity, would forever be a secure guaranty against all innovations upon that sacred institution. They had a right to suppose that no son of theirs would be so prodigal and reckless as to squander that legacy which was to provide peace, happiness, freedom, and independence to millions, and for all time. They had a right to hope that no wretch would be found base enough to corrupt that franchise upon whose purity depended the duration of all the free institutions purchased with their blood and their treasure. But, not content with that hope and that confidence which they had a right to indulge—not content with the obligations of patriotism upon those who were to inherit the rich legacy of their toil, they superseded religion and morality. They interwove, in the official duties of all who were to have the safe keeping of the elective franchise, a solemn oath. They required the individual whom choice or the law was to select to guard the purity of the elective franchise, to appear at the throne of the Judge of the living and the dead, and in His presence and in His name to bind themselves to permit no unhallowed foot to tread upon that sacred franchise. Such is the value of the elective franchise, and such are the means provided to defend and preserve it in its purity. But, in order that this sacred institution shall remain pure, and shall the more completely maintain all our other free institutions, our constitutions and laws have wisely defined the manner in which it shall be used, the time when it shall be used, the place where it shall be used, by whom it shall be used, and the circumstances under which it shall be used. A violation of any of those provisions is a violation of the constitutions and of the laws regulating the use of the elective franchise, and a corruption and violation of the franchise itself; and he who is guilty of it, is guilty of treason the most dangerous and aggravated; and if the sworn officer, whose duty it is to guard and defend that franchise, has wilfully or negligently permitted such violation, he is guilty of both treason and perjury. And upon the same principle, he who holds an office in corruption of the elective franchise, and in violation of the constitution, is equally guilty of treason, inasmuch as both are violations of a sacred and fundamental principle of the government. All republics have placed a high estimate on the elective franchise, and have imposed penalties for its violations and abuses in proportion to its magnitude.

I believe in the Grecian States, in their republican days, a violation of the elective franchise was punished by death. It was also a penal offence for a citizen of one State to vote in, or meddle with, the institutions of another. Such an offence was looked upon and punished as treason. It is so, and is and has been considered so, in every republic. An abuse of the elective franchise is a violation of a fundamental principle of the government, and an attempt to overthrow the government itself. No institution should be guarded with such jealous care as that

of the elective franchise; for the overthrow of all others put together, would not so much endanger our liberties. It is the highest duty that every citizen owes to himself, to his country, to the memory of his ancestors, to their blood and treasure spilled and expended in the great revolution by which we were redeemed; and, above all, to those who are to come after him, to preserve this franchise in its pristine purity, and to transmit it unsullied to posterity.

My next object is to show that the elective franchise has been basely violated, and the ballot-box most corruptly abused. If I can do that, I will have shown good reasons why this bill should pass, or some other one that will prevent such abuse and such corruption hereafter.

I have stated that our constitutions and laws have defined the manner in which the elective franchise shall be used, as well as who shall be entitled to its exercise; and the same rules prohibit its use in any other way than those prescribed, and by any other persons than those designated. For this purpose, election precincts are established in every county in every State in the Union. By the wisdom of our law-makers, those precincts are small; they have also provided for the appointment of a class of officers called judges of election, whose duty it is to know of themselves, or by information, all persons who are or are not entitled to the use of the elective franchise. The judges are sworn to receive no vote from the hand of any one not entitled to a vote within the precinct, and to reject all votes from persons living without the precinct, whether citizens of the State or the United States, or not. The object of those provisions and guards is to secure the elective franchise from abuse. Our constitutions and laws have peculiarly guarded the States from interference with each other in relation to the privilege or the abuse of the ballot-box; and all elections are declared void which are vitiated by illegal votes—whether by illegal votes from the hand of those who have no right to vote, or, having a right to vote, vote in the precinct, county, or State, other than that designated as the proper place to vote. It is now my purpose to show that the elective franchise has been violated in all the particulars which I have mentioned, but more especially by persons voting in States, counties, and precincts in which they had no right to vote, and in violation of express laws regulating elections, and defining the privileges of elections; and it is to prevent a repetition of such violations hereafter, and in all time, that I have introduced this bill. It would seem that the framers of the federal constitution had a presentiment of the possibility of the abuse of the elective franchise, in the very manner and by the very means by which it has been violated: hence they reserved the means to the federal Congress of preventing such an evil.

I hold in my hand the constitution of the United States. The fourth section of the first article reads thus:

"The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators."

A part of article second, section first, reads thus:

"The Congress may determine the time of choosing the electors, and the day on which they shall

give their votes, which day shall be the same throughout the United States."

And these, sir, are the constitutional authorities for the passage of the bill now under consideration. There never was a time, nor will there ever be a time, when it will be more proper for Congress to interfere and assert its constitutional authority in this matter than at this time.

It would seem, with the knowledge which we possess of the wholesale frauds and unvarnished treason that were practised in 1838 and '40, that it is an imperious duty which we owe to our situation, to the country, and the oath we have taken, to pass some law which will arrest a repetition of such frauds. I would be excusable in the mere assertion of the frauds upon the ballot-box, and violation of the elective franchise, practised in the elections of those years, so well are they known, and so firmly are they fixed in the convictions of this wide-spread community; but I have promised proofs and exposés, so I proceed to present some of them. I say some of them, for I have neither time nor space to give even those I have more than a bird's-eye glance, nor have I had time or opportunity to collect the one-thousandth part.

I hold in my hand a book. It is the journal of an investigating committee raised and authorized by the legislature of Ohio to investigate a contest between J. C. Wright, contestor, and G. W. Holmes, contestee, (all of the county of Hamilton,) who were candidates for the Ohio Senate at the annual election of 1840—the former as rank a blue-light federal whig as ever justified the Hartford convention, or worshipped a coon; the latter as pure and as firm a locofoco anti-bank Jeffersonian democrat as ever bore the name, or "skinned a koon;" both clever fellows, and highly respectable citizens in every personal and private sense. Holmes was the successful candidate; Wright contested his seat; and this book contains the evidence disclosed by the contest. It is a large book; it contains four hundred and twenty pages; and every page, from the title-page to the last page, is crowded in close lines and small type, with evidence of the basest frauds on the elective franchise. Well as the frauds of 1840 are understood, this book discloses frauds beyond suspicion, and almost beyond comprehension. Did I not owe it to my conscience, to my country, and to my office, and this constitution, which I have bound myself, with uplifted hand, and in presence of my God, to support,—for the honor of my country, and for the character of our republican institutions at home and abroad, I could wish this book, and all such evidence of frauds practised in that memorable 1840, were among the things that *never* were. But the evidence is here in books; it has a place in the knowledge and recollection of the people in this country; and it is matter of taunt and boast in other countries. So, our best plan is to use it, and expose it, to prevent a repetition of such frauds. Sir, I have evidence indisputable that not less than seven hundred voters were imported into the single county of Hamilton, at the election of 1840, to defeat the democratic ticket by a regular, organized system of swindling and pipelaying. A part of the evidence is contained in the journal to which I have referred; a part in the acknowledgments of those who participated in the frauds, not only as workers and conductors of the iniquity, but as voters also; but a larger part in letters which I received from persons residing in the interior of the State of Ohio, and

several other western States—letters received before the election, informing me that arrangements were making by the whigs to send voters by companies to defeat my election, and letters received after the election, informing me that companies had been sent, had voted, and boasted of having done their part to defeat "Bully Duncan." I have said that I have neither time nor space to display but a small part of this mass of evidence. I can only present one of the most glaring items, and merely allude to the balance. Pipelayers flocked from other district, and other States—some on foot, some on horseback, some on mules, by wagon-loads, by stage-loads, and by steamboat-loads. My time will only permit me to notice the steamboat-loads. I will ask the clerk to read the following deposition. The clerk read:

57.—DEPOSITION OF JEFFERSON PEAK.

In the matter of the contested election, where the seat of George W. Holmes, in the Senate of the State of Ohio, is contested by an elector of Hamilton county, the said George W. Holmes appeared by his attorney, Thomas J. Henderson, at the clerk's office of the Gallatin circuit court, in the town of Warsaw, county of Gallatin, State of Kentucky, on the second day of December, 1840, agreeably to the annexed notice, and adjourned over until to-morrow morning, December 3, 1840, as endorsed on said notice.

DECEMBER 3, 1840.

Met pursuant to adjournment, when Jefferson Peak, a witness, produced on the part of said George W. Holmes, who being duly cautioned and sworn, deposes and says:

Question by Thos. J. Henderson, attorney for George W. Holmes.—Please to state if you know of any person or persons taken to Cincinnati to vote at the State election held on the 13th of October last; and if you know any thing about it, state all you know in relation to them?

Answer by Deponent.—I went on board the steamboat Mail, at this place, on the night previous to the State election in Ohio, for Lawrenceburg, Indiana, on business for Messrs. Peake and Roberts, of this place. On going aboard, I found the boat so much crowded, that there was no possible chance for sleep, either on the floor, or in a state-room or berth. As there were so many persons on board, over and above places for sleep, including the floor, myself, with a number of others, were compelled to sit up all night, or nearly so. I did get to lie down a short time before day by occupying another man's place on the floor, which he had just left.

During the night on our way up, nearly all the conversation seemed to be in relation to the Ohio election, that was to take place on the next day; and a great portion of the passengers that I saw that night did not have the appearance that cabin passengers usually have, though I did not see anything like all the passengers were on board, as I got off of said boat about daylight, at Lawrenceburg; and a great portion of them were in bed when I went on board, as every place seemed to be crowded; and the greater portion of those I saw seemed to be more like ruffians than otherwise. And when the boat stopped at Lawrenceburg to put me out, they sent me ashore in the yawl, and I had to pass through the lower deck to get to the yawl, and there appeared to be a great many persons on deck as well as in the cabin.

After remaining in Lawrenceburg a short time—probably one and a half hour, I left for Cincinnati, Ohio, on board the steamboat Indiana, where we arrived about 10 o'clock on the morning of the day of the election in said State. During which day, in passing through the city of Cincinnati, I saw several advertisements sticking up in different places, purporting to want hands to go on the Green river locks to work, to the number of one or two hundred hands. This advertisement stated that they wished all the hands that would conclude to go, to be ready on the wharf on Wednesday morning, the 14th of October, ready to go on board the mail boat, for which so much per month will be given—the amount not recollected. On my arriving at the mail boat, General Pike, next morning, I saw an unusual number of persons on board said boat, General Pike; and also a large number on the wharf and wharf boat opposite the said steamboat General Pike. I also saw a man on the wharf, with a sheet of paper in one hand, which appeared to contain a number of names, and a number of bank bills in the other, and seemed to be settling with a number of men on the wharf before the boat left, and the same man, with the aid of another, continued to settle and pay a number of men and boys, or youths, on board of said boat, after she left the wharf. And after we had left the city of Cincinnati, and proceeded down stream some six or eight miles, Mr. E. F.

Calhoun, of Mississippi, and myself, were in conversation on the politics of the day, and during which time a gentleman by the name of George Buell, of Lawrenceburg, came up to us in the cabin of said boat, and asked me if I had noticed what was going on on board of the boat. I answered that I did not know of anything strange. He then asked me if I had not observed a man paying off men on the boat ever since she had left the shore. I answered I had, before she left and since. He asked me if I knew what it meant. I told him I supposed that it was an individual who had been to Cincinnati to engage hands to go on the Green river locks. He immediately informed me that it was a man paying off persons for going to Cincinnati to vote for Pendleton. I said to him, it can't be possible. He replied, come with me, and I will prove it to you, or I will satisfy you, I do not recollect which. He then started, as well as I recollect, towards the crowd, when they were assembled at or near one end of the cabin of said boat. I called or spoke to him to stop, which he did. I then remarked to him [Buell] and Mr. Calhoun, and requested them to be cautious, and we would find them out. About this time the crowd appeared to move forward, and assemble again on the boiler deck, in front of the cabin. We three then proceeded near the crowd. I went up in the crowd, and observed one man sitting on the railing of the boat, and some ten or fifteen around him; the one sitting seemed to be making calculations; and he asked one of the men how much did they owe him, or how much was his bill; he replied, Sunday, Monday, Tuesday, and Wednesday. The man remarked, that was making the calculation, that he ought not to charge for Sunday, as he could not make anything in Louisville on Sunday. He remarked that he was to have a dollar per day for every day, Sunday included, and he said to the city of Cincinnati. Just at that time the man sitting down observed me looking on; and some individual who stood by holding a sheet of paper in his hand, with a large number of names on the same; and the individual who sat on the rail observing me looking on the same, he immediately snatched the paper in the other man's hand, and tore the same in two; and remarked, at the same time, by God he did not want every man to see that paper.

The whole crowd then moved their stand to near the wheel-house; and there, as before, appeared to proceed to settle with divers individuals. They seemed to come up from the deck of said boat into the cabin in crowds of from 10 to 15 in number; and after they got through settling, and a portion of them receiving their money, they would disperse and go below, and another crowd come up. They continued in this way, I think, until about one o'clock, p. m. of said day; during which time I did not fully satisfy myself about the matter.

I then went to the clerk of the boat, who was at that time a stranger to me; I asked him how many men were there on board that had been carried to Cincinnati to vote. He laughed, and remarked that he did not know. I asked him who settled for their passage. He pointed out to me a man, rather awkwardly looking man; I afterward found out his name to be William Stewart, from himself. I asked the clerk of the boat if he had a list of their names. He said yes; there lay a paper on his desk. I asked if that was the one. He said it was. I then took it in my hand, and then laid it down again, as I thought it would not be prudent to open it, as I had picked it up of my own accord. I then went to several of the men, and asked them a great many questions; where they lived. They all said (that I talked with, but two exceptions) that they were citizens of Louisville, Kentucky; the other two lived in Indiana, one in Jeffersonville, the other in Indianapolis. These men on board of the Pike (with but few exceptions) seemed to be a set of cut-throats and ruffians. One of them was pointed out to me by one of the head officers of the boat, who observed that, while he (the officer) was lathering his face, that fellow stole his razor. And another one was pointed out to me by a whig passenger, who observed that he was sold under the vagrant act at St. Louis for six bits. I then called on an individual on board of said boat, (Pike) who belonged to the steamboat Mail, by the name of Robert Edmonson, a nephew of mine, and asked him what he was doing on the Pike, and why he was not on the steamboat Mail. He observed that he had stayed at Cincinnati to vote, and was then going to his home, which is about six miles from Warsaw, in Kentucky. I asked him why he would vote in Ohio, or any where else, when he well knew he was not old enough. He said he knew that. I asked him if he swore to his vote. He said he was too smart for that; he said when he was in Louisville that yonder man (pointing to William Stewart) came to him on the wharf at Louisville and offered him and another man a dollar apiece per day, and pay their expenses to Cincinnati and back, if they would go and vote the whig ticket. And after chatting some time with said Stewart, he (Edmonson) said he would see him (Stewart) damned first, before he would vote for money; but that they both belonged to the steamboat Mail, and were going to Cincinnati, and intended to vote the whig ticket. I asked Edmonson if he voted the whig ticket, and he said he did. I then asked the said Edmonson to give me all the names that he knew that had voted illegal votes; to which he refused, stating as his reason that, if

he did that, they would take his life; and that he was afraid to, and did not wish to be brought into any scrapes about the election; that they were a set of swindlers and cut-throats, and would steal the coat off a man's back.

Some time after dinner, for the first time, I saw the man (Stewart) alone, who had been, through the day, sitting with the men. It was just before we arrived at Aurora, or Rising Sun, I think the former; and some of the persons on board had pointed or marked on a board the whig majority in Hamilton county and city of Cincinnati. I stepped up to him and remarked, that we soon would have a fine huzzo; and in a few moments, the persons on the shore, at the before mentioned town, saw the result of the vote on the board, and raised a tremendous huzzo. He remarked to me, at the same time, and said, is it not a great victory to beat such a scoundrel and villain as Duncan? I observed, that I thought that the party had gone to greater lengths to beat Duncan than any one of the party. He said yes; for he was the greatest scoundrel in the world, as well as I recollect.

I at that moment laid my hand on his shoulder and observed, old fellow, if it had not been for you, that we never would of beat them in the world. To which he replied, beat indeed! No indeed, said he, if it had not of been for the votes that I carried to Cincinnati, that Duncan would of beaten them to death. I asked him, how in the devil did you manage so as not to be found out? What ward did they vote in? He remarked, that he divided them out, and carried seven or eight at a time, and voted in different wards, and his friends helped him, and a portion of them voted in the third ward. I asked him if he carried as many as eighty or a hundred; and he remarked, that he carried more than either; and remarked more than once that he carried more than Pendleton's majority. And, I suppose, there was eighty or a hundred on board that day, and, probably, over that number.

Stewart also informed that he was the man that beat Merryweather, in Jefferson county, Kentucky, who ran, at the August election, for a seat in the legislature of Kentucky. I asked him how he managed. He told me that he took the men from the city of Louisville, and carried them to Six Mile island, and there kept them several days, and eat, drank, and slept with them, until Monday of the election, and then carried them over into Jefferson county, and there got them to vote, and in that way he beat Merryweather. He also stated that the whigs did not treat him well at Cincinnati; for they did not give him but seventy-five dollars to pay the men with. I asked him who gave him that. He said that the Tippecanoe club gave it to him, of Cincinnati. And he remarked, that he had paid out ten dollars of his own money, and that he could not pay them off until he got to Louisville. I asked him if they were a making any noise about their pay, and he said no; that he had just been below and treated them to a dollar's worth of drink. He also stated that he never eat until they eat. He also stated that they eat in the cabin, and part of them slept in the cabin and part on deck. He told me that he knew how many men it would take, and they were determined to have them. I noticed, at dinner, when the men came to the table, that it was easy to distinguish them from the rest of the passengers, or, that is, the most of them.

Mr. Shephard of this place, the editor of the Warsaw Patriot, a decided whig paper, and as much so as any in the State, was on board, and I called on him to notice the men, and called his attention to a great many of the circumstances herein detailed. And I do further state, that I went to the house where Shephard stopped, with an officer, on this day, for the purpose of bringing said Shephard before the justice for the purpose of taking his deposition, but he could not be found.

The said Stewart informed me that he would have no difficulty in getting the money on his arrival at Louisville. I asked him if they did pay him well for his trouble. He said he did not charge any thing, only his money back; that what he done he done free of charge. I asked him how many went up on the steam boat Mail; I think he told me between eighty and one hundred. I asked him who had charge of those on the Mail, and he informed me that Russell had; and I think he said Captain Russell. I asked him if they swore the men that he carried up to vote, and he told me nearly all of them. He told me that he told them, when they came on board the boat at Louisville, what they should have if they voted, and if they did not vote, they well knew what they would get. And further this deponent said not.

JEFFERSON PEAK.

Sworn to and subscribed before us, this 3d day of December, 1840.

B. TILLER, J. P. G. C.
JAS. F. BLANTON, J. P. G. C.

Commonwealth of Kentucky, Gallatin county, set:

The foregoing deposition of Jefferson Peak was this day taken, subscribed, and sworn to by the said Jefferson Peak, before the undersigned, two of the Commonwealth justices of the peace within and for the county of Gallatin, State of Kentucky, at the time and place, and for the purpose stated in the caption thereof, and the notice hereunto annexed. The said Jefferson Peak being duly sworn, and the question propounded, did, in our

presence, write with his own hand, the said foregoing deposition.

Given under our hands and seals this 3d day of December, A. D., 1840.

B. TILLER, J. P. G. C. [SEAL]
JAS. F. BLANTON, J. P. G. C. [SEAL]

But as I have said those frauds were, not confined to Hamilton county, they were wide spread, and never can be but partially exposed. I hold in my hand an exposé of the frauds practised in Philadelphia, as corrupt and as alarming as those which I have partially exposed, as practised in Hamilton county. I also hold in my hand the Gientworth frauds as practised in New York, which can only be equalled in infamy by those which I have named. The limits of a speech will not permit any thing more than a mere synopsis of those frauds. I will ask the clerk to read some extracts exposing the more glaring abuses practised in Philadelphia. I will also ask the clerk to read some short extracts of the Gientworth frauds in New York. The clerk read them.*

Mr. Speaker, I have nothing to say of the political crime, and moral depravity involved in holding a seat on this floor, obtained by such means as those disclosed by these reports, only so far as I and my constituents are concerned. The individuals who it is said were returned to this House by this system of fraud, were Charles Naylor of Philadelphia; Edward Curtis, Moses Grinnell, Ogden Hoffman, and James Monroe of New York; and N. G. Pendleton of Ohio. How many more have been returned, I know not, nor is it my present purpose to inquire, (except as to the member from Ohio.) Of them I leave others to speak, with the single remark, that present honor gained by such frauds and treason will be future infamy and contempt. But I repeat, that I have something to say of these frauds as connected with those I have the honor to represent. The people of the first congressional district of Ohio had no representative in the 27th Congress of their choice. N. G. Pendleton, esq. of Cincinnati, bore the governor's certificate, with the broad seal of Ohio; and by virtue of that certificate and broad seal he appeared and took his seat here: but he was no representative of the people of the district which the broad seal represented him to be. He was the representative of a minority of the people of the first congressional district of Ohio, and ruffians, thieves, and cut-throats of Kentucky, and of other States and counties without the district of his residence; and if Mr. Pendleton held a seat here, knowing those facts, he held it in the guilt of treason and in the crime of perjury. He may not have known them, though every body else in the world beside knew them. Mr. Pendleton, in all the frauds, perjuries, briberies, and treasons which characterized the elections of 1840, all over the Union, but more especially in the Ohio first congressional district, may have been a political automaton, or mere man-machine, and, like Balaam's ass, moved merely as he was kicked into passive action and obedience. If so, he must be discharged from any imputation of immorality or crime, and the charge placed to his stupidity. I undertake to say there was not one dollar short of fifty thousand expended in and out of Hamilton county, to secure the election of the whig candidate of that district; and no man who has a character for truth and veracity, and who wishes to maintain that character, and who is acquainted with the circumstances

*The Philadelphia and New York frauds are not inserted for want of room.

ces, will undertake to deny that assertion. That vast sum was expended in consummation of the frauds which you have seen and heard disclosed. Mr. Pendleton may not have advanced one dollar, nor one mill, of all that sum. Though one of the richest men in the city of Cincinnati, or the State of Ohio, himself, and more immediately interested than all others, he may not have advanced one dollar to secure his own election, which was secured by a system of swindling which no agency but money would have secured, and no sum less than that which I have named would have been sufficient; yet, I repeat, he may not have advanced one dollar for such an infamous purpose, to secure such an infamous end. The liberality of his federal party friends, in their zeal to overthrow the democratic party, and to defeat the democratic candidate, may have done all without his knowledge, and without his pecuniary assistance. That position is hard to believe. Mr. Pendleton was in the centre of all the cavalcades, coon conventions, and drunken orgies which disgraced Hamilton county, demoralized society, and debased the character of civilized man; and it is difficult to believe (and almost irreconcilably so) that he could have known nothing of the frauds and the means by which his election was to be secured.

Mr. Pendleton is in a dilemma; he may hang to which horn he pleases, or on whichever his friends please to hang him. He must either stand charged with *jackassical* stupidity, which, if true, rendered him unfit for a seat in this hall, as the representative of any party, or anybody, even the cut-throats, thieves, and ruffians of Kentucky; or, on the other hand, if he knew of, and participated in, the frauds by which he was elected, or gave countenance to them, or aided them by pecuniary means, he was unfit to hold a place here or elsewhere, except on the gibbet, due to the traitor, or in a cell within the gloomy walls of a penitentiary, due to perjury. I invent nothing; I have presented the evidence as it came to me—as I received it from the highest tribunal in our State. I draw no other conclusions than every person, bound and governed by correct principles of morality and patriotism, must draw. For myself, I declare, in presence of my Maker and this assembly, to whom I am responsible here, and to whom I must answer hereafter for every idle and profane word spoken, that I know of no crime or crimes in my State which would consign me, handcuffed and shackled, to the penitentiary and to eternal infamy, in the commission of which I would feel more degraded in the estimation of man, more wounded in my own conscience, and more offensive before God, than those by which I believe Mr. Pendleton held a seat in this hall. I mean the crimes of bribery and treason by which his certificate was purchased, and the perjury which was committed in the oath which he took at the threshold of his representative duties, to support the constitution, which constitution he violated by taking his seat here, and which he continued to violate every minute—every moment—while he occupied it. Still, of all this, I repeat, Mr. Pendleton may have been innocent. It is not for me to judge, nor do I feel at liberty to judge. Human judgment, I suppose, in a voluntary act, and the power under our control; or why should the Supreme Judge of the universe have ordered us to "*judge not lest ye be judged*." Knowledge is founded on the evidence of things seen, and therefore is not to be controlled by either the mind or the will. Faith and belief are conclu-

sions we draw from the evidence of things not seen, and are irresistible. Faith and belief are not controlled by the will, hence the maxim, "*we are bound to believe*." So it is with those who witnessed the election frauds of 1840, in Hamilton county, to secure the certificate of election to Mr. Pendleton. They are bound, irresistibly, to believe that he had some hand in them, and consequently guilty to the same extent of the moral and political crimes which I have attached to him, or any one holding a seat here under such circumstances.

Let no one charge me with taking advantage of parliamentary privilege, or of the high mountains, broad valleys, and wide rivers which seven hundred miles distance interposes between me and Mr. Pendleton and his friends. I have taken no such advantage. I hold myself responsible in my individual capacity for all I say here or elsewhere, whether in a private or representative capacity; and moreover, I repeatedly, and to assembled hundreds, and assembled thousands, in every part of Hamilton county, and within hearing of Mr. Pendleton's door, (if not in his presence, it was because he would not come to hear me,) made all the charges, and in as strong terms, and with similar language as I am now doing, both against Mr. Pendleton and his active partisans; and I shall continue to do so at home and elsewhere, so long as the crimes, frauds, bribes, treasons, and corruptions of 1840 shall stick to his and their skirts, and cover their entire carcasses. I fear no accountability; I speak nothing but the truth; I have the ability to maintain it. My constituents expect me to speak the truth, and the whole truth, and they know I will speak it so as to be understood. No speech or saying of mine shall ever lose force, if it have any, from want of strong language; I like to call things by their proper names.

Mr. Speaker, I was as much the legal and constitutional representative of the people of the first congressional district in the 27th Congress as I am of this. I was elected in 1840 by a majority of more than five hundred of the legal voters of that district, and yet the returns showed a majority against me of one hundred and sixty votes, such were the numbers of imported voters—such the number of pipelayers, such the frauds. This statement may be called bold; if so, there is not an intelligent and true democrat in Hamilton county, but what will make or endorse it. I make it as well from a conscientious belief, as a knowledge of its truth. This knowledge and belief, with me, is founded on facts that came under my own knowledge and observation—on the facts which this journal discloses, a small part of which has been read to you—on the fact that, prior to the day of election, several of the wards in the city of Cincinnati were polled; every whig and democratic voter having a right to vote was counted by a committee for that purpose; and in every ward which was polled, the ballot-box showed the democratic vote to be almost precisely what the poll had shown it; but in every ward the ballot-box showed an increase of whig votes, over that polled, from fifty to two hundred and fifty. In 1840, there were but few changes in Hamilton county: some who acted with the democratic party turned to the whig side; some who had acted with the whigs turned to the democratic side. I believe the majority of changes were in favor of the democracy. But little was gained to either party by changes. But I ask your attention to another fact in support of this assertion, and that is this—that in the last congressional con-

test, the democratic majority was one thousand and fourteen; and yet, owing to the absence of the excitement necessary to bring out the democratic voters, the aggregate democratic vote was near one thousand less than it was in 1840, though in that year the democracy were defeated one hundred and sixty votes; all of which shows, most conclusively, that the whig ticket in 1840 was carried by the importation of foreign voters, to the number of more than seven hundred, in violation of the constitution, the election laws, the people's rights, and the elective franchise. And if there were no other frauds disclosed in that shameful, reckless, and villanous campaign of 1840, those alone are sufficient to impose upon us the duty of passing this bill into a law; but I repeat, that I have no time to expose the wide-spread corruptions of that election, alike in their tendencies fatal to the morals of society, as destructive to the free institutions of our country.

I have been asked a thousand times, by letter and otherwise, by those who were made acquainted with the frauds practised in Hamilton county, why I did not appear here, and contest Mr. Pendleton's seat. There were two reasons, either of which was sufficient in itself. First, I was too proud to do it. Second, my constituents were too proud to permit me to do it. I was too proud to ask redress at the hands of a whig House, whose hatred for me I knew only to be commensurate with my hatred for them. I speak politically. I was too proud to ask an investigation at the hands of a whig House, who I knew possessed neither the magnanimity, generosity, or justice to do that which the most indisputable evidence should have demanded. I was too proud to appear before a jury for the redress of a wrong and a violence, many of whom I knew were the very inventors and workers of that very organized system of swindling by which that wrong and that violence were effected. I was too proud to ask any favor, or even justice, at the hands of my enemies; and I was too proud to apply to a House for the redress of a violence, knowing, as I did, that more than one-half of its members held their seats by virtue of the same system of frauds by which I was deprived of mine. My constituents were too proud to permit me to ask for the redress of a violence which they had the power themselves to redress, and which violence they have redressed—though that redress would have been much more triumphant, could they have provoked Mr. Pendleton to have been the opposing candidate; but into that he was neither to be kicked nor coaxed, because (as the rude democrats said) his vanity and ambition had cost him too much already. The democrats say (and I have never heard a whig deny it) that he paid \$20,000 for three letters of the alphabet, to the end that he might have a title prefixed to his name. Well, I know no reason why a man may not purchase a title in this country as well as in any other; and he may place that title at the head or tail of his name, as his own fancy or his taste may dictate. But \$20,000 is a big price to pay for two consonants and one vowel, which, in their order, are to be placed H-O-N, to give them their most potent meaning; and that meaning may convey honor or disgrace. Nor does the price augment the honor, or diminish the disgrace. If he who possesses them procured them in an honorable way, or if they have been awarded as the price of intelligence, patriotism, and virtue, they are but the evidence of merit due to him who wears them; but if they have been purchased at the expense of virtue

and patriotism, and in the commission of treason, bribery, and perjury, they should be, and will be, worn as a mark of disgrace and infamy. I leave Mr. Pendleton and his Kentucky cut-throat ruffian and thieving constituents to decide the question.

Mr. Speaker, it is a divine truth, and is regarded as a maxim far and wide as civilized society, that "*evil should not be done that good may come of it.*" When the moral part of the community in 1840 remonstrated against the means which were resorted to by the federal party to overthrow the democracy, the universal answer was, that "*the end justifies the mean.*" Now, sir, I wish to say something about the means that were used, and the end effected by the means; and I think I will be able to show that the end was worthy of the means, and the means worthy of the end, and that they were both worthy of each other.

This government has been in existence something more than half a century under its present organization. There are members in this House who are seniors of this government. For forty years of its whole existence it has been under democratic administration; and although it has, for the balance of the time, and at two different times, been frostbitten and withered by federal administration, yet its progress has been onward—onward. From the time of its commencement, up to 1840 inclusive, it presented a progress in civilization which can challenge the history of nations, literature, philosophy, agriculture, mechanics, and general science, and every improvement that characterizes civilized man, had advanced with a rapidity of which the history of the world shows no example. The progress of commerce, science, literature, and refinement, of the republics of Carthage, of Greece, and of Rome, has employed a thousand pens, and has been sung by ten thousand tongues, in description and praise. The same progress and advancement of the European governments have exhausted eulogy, and almost confounded wonder; and yet the advancement of the republic of the United States, in every characteristic of civilization, human happiness, and national greatness, has been more in half a century than theirs has been in five hundred years. The savage wilderness has been tamed, and the wild man has fled. The widespread and dense wildernesses that once made the earth groan with their native growth, have been converted into highly cultivated farms, and now groan with the rich productions of the hand of industry. The broad rivers which (many of them) were agitated but by the winds and the bark canoe of the savage, now bear on their bosoms thousands of steamboats, laden with the rich productions of happy freemen, and command the tempest and defy the waves. The canvass of our commercial ships whitens every ocean, every sea, and every bay. The American flag is displayed in every civilized port in the world. The face of our continent is checkered with turnpikes, railroads, and canals; our hills are made to yield their valuable timbers, and our mountains to give up their rich minerals. Cities, great towns, beautiful and pleasant villages, dot the face of the continent. Houses of worship, colleges of science, seminaries of learning, and school-houses of common education, temples of justice, as well as theatres of innocent amusement, adorn almost every city, town, and village, on our continent. Peace, plenty, and happiness, overspread the land, and cheerfulness beams from every countenance. Industry is respected, industry rewarded, and industry protected. In this prosperous and glorious career,

there was but one obstruction—and that was an irresponsible corporate banking system which had grown up, and which more of by-and-by, or some other occasion; at present, I will pass it.

I repeat that all this unexampled prosperity, this rapid advancement, this magical elevation of national greatness, was under the influence and auspices of democratic administration four-fifths of the existence of this government. But a strange dream came over the people. They seem to have become satiated with prosperity, and to have grown weary with happiness and good government, and they must needs have a "change." Sir, I desire to dwell some little on that word "change." The word *change* has always a potent political word. It has ever been the rallying word of the demagogue. It is the yelp of the disappointed office-seeker. It has ever been so from the commencement of civilized government. It was the cry of change that overthrew the first republican government that history describes—I mean the government of the Israelites. That was a republican government, from the time of the conquest of Canaan; and although laws were proposed to the people through Moses, yet no law was obligatory until it was received and adopted by the voice or suffrage of the people. The Almighty was their king, but not without their choice. He was repeatedly elected to such by the suffrage of the people. Moses, although generally regarded as the Israelish legislator, in his time was nothing more than a mediator, or medium through which the will, the wishes, and approbation of the Almighty were communicated.

The Jewish government was established on those principles which alone can make a people happy and independent. The Jews were an agricultural people, and every man a freeholder; and such were the restrictions on the alienation of landed property, that every Jew came into the world the owner of land, and went out of the world the owner of land. It was a prominent principle of the Jewish government to encourage agriculture, and to foster it above all other business or occupation; and, so long as that policy remained, so long it was retained in its primitive simplicity—there was no people on earth more happy than were the Jews. But, in the course of time, demagogues and ambitious politicians grew up among them. They must needs have a *change*. Though above all the people on earth, they were not only blessed with the best government and the richest land, but were daily furnished by the hand of the Almighty; they were daily receiving the bounties of his goodness; they had been delivered from Egyptian bondage by a miraculous interposition of Divine Providence; and, when hotly pursued by Pharaoh and his host, they had seen Moses, by divine power, smite the Arabian gulf with a rod, divide the waters, and roll back the mighty waves, through which they passed dry-shod, while Pharaoh and his host were drowned; when on their way in the parched wilderness, they drank pure water, which they had seen Moses draw from the flinty rock by a smite of his rod; when they shungered in the wilderness, manna fell from heaven, of which they ate in gratitude and solemn thanks;—all these things were fresh in their recollection when they first attempted a *change*; and that *change* was to desert the standard of Moses, and the Almighty's protection, and betake themselves to Aaon, and erect a golden calf, and bestow on it the divine honors which were due to Him who had delivered them from bondage, and fed them in the wilderness: that was the first *change*. The motives of the Jews in that *change* were of a character with those which moved a majority of the American people in 1840, when they deserted the democratic standard and betook themselves to whigery. They were wont to erect a calf, too—not a calf to be made of gold, but one to be made of shipplasters; a kind of rag-tag and bobtail calf—a calf to be made with rag and lamp-black, worthy of a rag-baron aristocracy. But John Tyler knocked that calf on the head, thank God, as Moses did Aaron's; for when he (Moses) returned from the mount, he demolished Aaron's calf, and reconciled the Almighty with the Jews, whose wrath had been kindled against them for their idolatry.

But ere long corrupt politicians again sprang up, and denounced the government as weak and imbecile. Demagogues and loafers multiplied, who, (in that country as in this, and every other), too lazy to work and too proud to beg, determined to live on the labor of others. Not content with that wise and equitable system of government which distributed justice and equality to all, and made every Jew a constituent part of the government—made every Jew a landholder and a freeman;—not content with that policy which made the Jews an agricultural people, (for which they were peculiarly fitted, and to which their country was peculiarly adapted,) they sought to establish systems of inequality; to divert the public attention from the humble, punctual, and frugal—though honorable—pursuits of agriculture; and to adopt a system more in accordance with oriental grandeur: to this end, privileged orders and irresponsible institutions must be established—something like the policy sought to be established in our country, which has for its object the oppression of the many to enhance the interests of the few,—I mean a protective-tariff system—a credit sys-

tem—a banking system, and a shipplaster currency,—or, in brief, a system by which swindlers may plunder honest men. No other systems would divert and deceive the people from the policy and stern frugality which it was the constant effort of Moses to inculcate, and which the whole frame of government favored. But the corrupt politicians and demagogues rung *change! change!* and a portion of the people, who had gradually become corrupted with oriental passions and oriental grandeur, permitted their patriotism to be shaken. They began to think there was something sublime in an eastern court, which gave character, dignity, show, and power, to a nation, which was incompatible with a simple republican government. The rage for *change* spread. They must have a court. The show, the gaudy tinsel, the splendor and the luxuries of a court, captivated their minds, blinded their understanding, and vitiated their taste. The dis-temperd rage for a *change* spread more and wider. To have a court, they must have a king—not their frugal Moses, or their divine Deliverer any longer; but a temporal king, who could bestow bounties, and receive flatteries—a court, a king, military splendor, a central power, and a strong government. Moses, and a man called Samuel, who was a successor of Moses, remonstrated against a change of government, and represented, in the strongest possible terms, the dangers and fatal effects of eastern corruptions, eastern despotism, and eastern bondage. All their remonstrance was in vain; a *change* they would have; a temporal king they would have; an oriental court and a military despotism they would have; and the Almighty gave them, in his anger, a king, and all the rest soon followed. Saul was the first king under their new *change*. He governed well for a short time, but soon became despotic, and towards the last of his reign became insupportably capricious. He was rejected, and one David was chosen in his place. David was a true patriot, a sincere friend of his country, and ardently devoted to its highest interests. The country prospered under his administration, though oriental customs, and the military spirit of the people, grew under his reign, and, with these, increased taxation. Solomon succeeded David. He ruled with moderation and wisdom at first, but, towards the end of his reign, became very tyrannical, and laid heavy burdens upon his people. Oppression had already become the reward of their desired *change*. Rehoboam succeeded Solomon. He refused to lighten the burdens of the people; and this caused a dismemberment of the empire—ten tribes going off, under Jeroboam, and forming a separate government. From this time the nation became rapidly more and more corrupt; the kings more and more despotic; the people more and more enslaved; and the result of all was the decay and ruin of the government. Let us sum up the evils of the *change*:

1. An increase of taxation, with the increase of the military spirit; and numerous and exhausting wars, as a consequence.
2. Tyranny and despotism in the government—many of the kings becoming as tyrannical as the eastern despots.
3. A neglect of agriculture.
4. Entire change in the admirable agrarian laws of Moses.
5. Ultimate ruin, and subjection of the nation to a foreign yoke.

And this, sir, was the career of the Israelites; and this the ruin brought upon them by that fatal word *change*, invented, introduced, and rung by demagogues and corrupt politicians, who have been the overthrow and downfall of every republic.

I have no time to trace up the histories of republics, or free governments, and expose the fatal effects of that word *change*. If I had, I could refer you to the word *change*, which was never out of the mouth of Hanno, by which he embarrassed the correct action of the senate of Carthage, and poisoned the minds of the people; and by which he embarrassed the movements of Hannibal, at the very time he was shaking the walls of Rome; and by which he succeeded in effecting the recall of Hannibal, and, with his recall, the destruction of the last hope of ever conquering Rome; and by which, too, he and his kindred spirits succeeded in overthrowing the republic of Carthage, and making her the prey to Roman conquest.

I could, also, refer to the demagogues and corrupt and bribed politicians of Greece, who, with their pockets full of Persian gold, and their mouths filled with *change*, laid the foundation for the overthrow of her republics. It was the same fatal word, in the bawling mouths of corrupt politicians, that subverted the Roman republic; and the same word, after the overthrow of the republic, placed one vile despot after another on the throne, each vile despot viler and more despotic than his predecessor, until the people of Rome, from being the freest people on earth, became the greatest slaves on earth, and, until, too, it was finally overthrown. The overthrow of all those republics was brought about by the word *change* in the mouths of corrupt politicians, hired demagogues, and pensioned liars, precisely such as overspread our country in 1840, and by whose means the democracy were overthrown. Yes, sir, overthrown by pensioned liars, hired demagogues, corrupt and bribed politicians, whose incessant cry was *change! change! change!* The word *change* was never permitted to die on the ear. Well, the *change* was ef-

sected. The democratic party was overthrown. A democratic candidate for the presidency was defeated in his re-election—one who had administered the government on as pure principles as it ever had been administered or ever will be administered—one who had sustained our free institutions, the constitution, and the nation's honor, with an ability and a wisdom which never has been surpassed since the formation of our government—a man who was and is alike distinguished for the purity of his morals as for his talents as a statesman; distinguished alike for his firmness as for his attachment to democratic principles and the support of democratic institutions; alike distinguished for the qualities of his head as for the goodness of his heart; with a moral reputation which even the sirocco breath of slander dare not approach. Such was the man whose election was defeated by that potent word *change*, and its accompanying means. Yes, sir, the accompanying means; I must have something to say about the accompanying means, in connection with the word *change*. And what were they? Ah! sir, could they be blotted from the recollection of man, and could the history that records them be annihilated, what friend to his country—what man or patriot, jealous of the honor and the reputation of his country and the American character, would wish to revive their recollection? But to the disgrace of this people, and to the dishonor of our republican institutions, here and elsewhere, they live in memory—they live in history, and will live after all who now live will have returned to dust. They will live when time shall have crumbled the marble columns that support the dome of this hall; even then, the drunken orgies which disgraced the elections of 1840 will be classed with the drunken orgies which disgraced all Greece in the worship of Bacchus; fresh, then, will the disgraceful scenes of 1840 be in history, as the bacchanalian feasts are now. So we cannot hide them; knowing them as we do, and known as they are, we may better serve our country by exposing them.

I desire to tax your time a few moments while I make a few comments on truth—for I regard it as the highest virtue of any people, whether in a national, or in an individual point of view. In the language of another, truth is a light from on high. It is almost the only thing on earth which is worth the research and care of man. It is the light of our mind; it should be the rule and the guide of our heart, as it is the foundation of our hope, and the comfort of our fears. It is the alleviating balm of our evils, and the true remedy of all our troubles and misfortunes. It is the source of good, and the horror of bad conscience; it is the secret punisher of vice, and the everlasting reward of virtue. It immortalizes those who practice it; it dignifies the chains, and makes supportable the dark and gloomy dungeon of those who suffer for it; and it brings and perpetuates public praise and public honors upon the memories of those who have been its defenders and its martyrs. It makes respectable the humility and the poverty of those who have sacrificed all in its pursuit and its support. It inspires magnanimity of thought, and forms heroic souls, of which this world is unworthy. It has made every sage and every hero that the world has ever produced, worthy of the name. How unfortunate that it was it was not better known and more highly appreciated by the whigs at all times, but more especially in the political campaign of 1840! But, to form a true estimate of its exalted merits, we must contrast it with its antagonistic principle—falsehood; which, of all vices, is the most degrading and degraded. It sinks those who practice it, in the estimation of God and the virtuous world, below the brute; and confirms the end, the ruin, and the disgrace, it is sought to avoid. All these principles and effects, whether of truth or falsehood, may be applied in an individual and private sense; but how much more estimable is truth when applied in a national sense? and how much more disgusting and horrible is falsehood when viewed in a national sense, or used to deceive a nation? A falsehood is a misrepresentation of a fact, or things, for the purpose of deception. A falsehood works two evils—a crime on the part of him who attempts to deceive, and an injury on the part of him who is deceived. If an individual makes a misrepresentation, not knowing it to be such, he is guilty of no falsehood in the moral sense, and is guilty of no wrong except the injury to him who is deceived. So, too, if an individual relate a falsehood, and it fails to deceive the individual intended to be deceived, either from the improbability of the thing intended to be misrepresented, or from the known character of the misrepresenter as a liar,—in that case, the misrepresentation fails of its object, and no injury is done; but the moral turpitude of the falsehood is undiminished. The failure to accomplish a crime, does not diminish the crime involved in the intention and effort to commit it. So, too, is a falsehood criminal in proportion to the injury which its misrepresentation may effect. If it deceives a nation, it is criminal in its effects and design, in proportion to the magnitude of the nation and the extent of the evil. Now, sir, I charge falsehood as one of the means used by the federal party in 1840 to overthrow the democracy, and to defeat the election of Mr. Van Buren, and every democratic candidate that was defeated. But when falsehood is substituted for truth to effect an object, every other means—however criminal, however mean, however detestable, and however degrading—are

sure to be called in as auxiliaries. So it was in the election of 1840—to falsehood as a means, slander, detraction, perjury, bribery, and treason, were called in; and the whole, united, constituted a part of the means by which the federalists were too successful. But, in addition to falsehood, and all its vile and unworthy associates, there were other means used, equally degrading to the American character, and the American nation; all of which I shall treat in their order. And first of the falsehoods—wholesale falsehoods I deal in—wholesale and general whig falsehoods I begin with No. 1. It was said the administration of Mr. Van Buren was an extravagant, a wasteful, and a corrupt administration. To put a direct contradiction upon this triple falsehood, I will submit statistics; and in order that I may be read with greater ease I will make them as brief as possible; and in order to illustrate, I will compare figures with the expenditures of this administration that promised such reform.

The appropriations which supplied the first year of Mr. Van Buren's administration, were made under the last year of Gen. Jackson's administration; and of them I will say nothing. The amount expended in the first year of Mr. Van Buren's administration, which was the year 1837, was

First year, 1837,	\$31,610,003
Second year, 1838,	31,544,396
Third year, 1839,	25,443,716
Fourth year, 1840,	22,389,356
Total	110,997,471

the aggregate amount of the expenditures of Mr. Van Buren's administration. I say aggregate amount; I mean by that the ordinary and extraordinary expenditures; I mean by the ordinary expenditures, the civil and diplomatic expenditures, as well as the ordinary expenditures for the army and navy, Indian annuities, and interest on the funded or District debt—all of which are ordinary, because they are of yearly occurrence, whether we are in peace or in war. They are incidental to the army, to the navy, and to our funded debts. I mean by the extraordinary expenditures, those which occurred in consequence of the border difficulties; the public buildings, the Creek Indian war, the Florida war, the removal of Indians across the Mississippi, and their settlement in agriculture, &c.—all of which were extraordinary expenditures, nearly all of which had their beginning, and nearly all of which had their end, in Mr. Van Buren's administration. I will exhibit the amount of those extraordinary expenditures, as well their several as their aggregate amount. I will separate them from the ordinary expenditures, and show the difference. I will then compare the ordinary expenditures under Mr. Van Buren's administration, with the ordinary expenditures of this whig-reform-economical administration, and exhibit the difference, and make it so plain that every democratic boy of Israel shall be able to overthrow any whig of Gath, or of the Philistine tribe, though he be as big as Goliath.

The amount expended for the Florida war within the term of Mr. Van Buren's administration, together with the Creek war, was, as reports show

Florida war,	\$38,000,000
The amount expended on behalf of all our border difficulties	500,000
Amount for removal of Indians across the Mississippi, and their settlement	3,261,315
Amount expended on the public buildings, viz:	
Amount on the treasury building	400,000
Do do post office do	400,000
Do do patent office do	400,000
The aggregate of which is	42,961,315

Deduct this aggregate from the expenditures for the entire administration of Mr. Van Buren	110,997,471
And we have the sum of	\$68,036,156

This we find to be the entire amount expended in Mr. Van Buren's administration for its full term, for the ordinary support of the army, navy, and the government, civil and diplomatic.

I now exhibit the expenditures of the first two years of this Philistine whig administration,—whig in the Senate—whig in the House—whig all over, with the entire control of the government in their hands, so far as the appropriating power was concerned; and I have no expenditures to exhibit but those which I have called ordinary in Mr. Van Buren's administration; for there has been no Florida war, no Indians to remove, no border difficulties except what were settled by negotiation, nor any public buildings, except some small finishing expenditures; and what do you think they are, sir? I hold in my hand House document No. 62, prepared by a whig officer of this House: of course it is good authority against whig profligacy. Here is the document. It is a pamphlet; it is all covered with figures, and every figure counts tens, hundreds, thousands, tens of thousands, hundreds of thousands, millions, and

tens of millions, such as no man can number or detail in a speech. I must describe by aggregates. I must lump the millions. Here they are. I expose them to the honest people, the hard handed tax payers, who were promised reform, retrenchment, and relief from tax burdens, if they would unite with the federalists to overthrow the democracy.

While in power, the whigs held three sessions in One Congress. Here are the appropriations made each session:

For diplomatic and miscellaneous—	
First session	\$1,065,091
Second session	4,625,443
Third session	6,365,545
	\$12,646,079
For naval service—	
First session	1,703,576
Second session	6,684,769
Third session	9,144,733
	17,522,478
For military service, including all which belongs to the military department—	
First session	2,274,637
Second session	5,737,864
Third session	9,095,907
	\$20,111,408
Further appropriations for the naval department, second and third sessions, show	
	9,030,900
	<u>\$58,719,867</u>

Thus, it seems that the ordinary expenses of the whig reform and retrenchment administration for two years, (not four), shows the sum of fifty-eight millions seven hundred and nineteen thousand eight hundred and sixty seven dollars.

Now for the comparison. I have deducted the extraordinary expenditures under Mr. Van Buren's administration from the ordinary, and find that they were—

For the first year	\$14,603,490
For the second year	14,537,579
For the third year	8,437,203
For the fourth year	5,382,843

Making in all 42,961,315

Which is the amount of the extraordinary expenditures. If we deduct this sum from the whole amount, (ordinary and extraordinary expenditures), the balance will show the amount of ordinary expenditures through the whole four years of Mr. Van Buren's administration:

Aggregate amount of ordinary and extraordinary expenditures	\$110,997,471
From which deduct—	
Extraordinary expenditures	42,961,315
	68,036,155

This estimate shows that, through the four years of Mr. Van Buren's administration, the ordinary expenditures of the government were sixty-eight million thirty-six thousand one hundred and fifty-six dollars; while a federal con administration, in two years of its time, under a solemn pledge of reform and retrenchment, has expended fifty-eight millions seven hundred and nineteen thousand and nine hundred dollars. Let us see the difference. Here it is:

Amount of all ordinary expenditures under Mr. Van Buren's administration (four years)	\$8,036,155
From which deduct—	
Amount of all ordinary expenditures under the con administration (two years)	\$58,719,967
	\$10,316,189

Thus it appears from statistics, official and true as moral reason, that the ordinary expenditures of the two first years of this reform and retrenchment administration have been but \$10,316,189 less than the entire four years of Mr. Van Buren's administration. But I may be told that there were some extraordinary expenditures necessary under this administration; what were they? The Florida war was closed when it came into power; at least, so near so, that there were not four hundred Seminole warriors in Florida, and they were fast coming in and surrendering. The boundary difficulty was so far concluded, that nothing was left but negotiation, and that was conducted to our disadvantage, our dishonor, and the surrender of a vast territory. The Creek war was ended, the Creek and Cherokee Indians were removed, and the public buildings were nearly completed. But, if it is contended that there were extraordinary expenditures, I will offset them with some extraordinary expenditures to Mr. Van Buren's administration, which I have not classed as such. I mean the expenditures growing out of the extra session, in the summer of 1837, which was brought upon the people by the impolitic connexion of the government with the swindling banking institutions.

And this, sir, is the end, so far as retrenchment and reform is concerned, which was to justify the corrupt means which were used to defeat the election of Mr. Van Buren, and overthrow the democratic party. The means, as I have stated—falsehood, and its infamous auxiliaries, corruption, bribery, treason, and perjury—were to be justified by the end; and the end is an increase of the expenditure nearly double, and consequently a double imposition of taxes, and double burdens on the people. So much for the corrupt means; so much for the unfortunate end, both worthy of each other, worthy of the party who used them, and worthy of the party who have brought them about. I say, then, that the promises which were made of reform and retrenchment were falsehoods; they were made for the purposes of deception, and have deceived they involve the crime of falsehood, and the injury of deception. But the sweeping, unlimited, and reckless falsehoods of 1840 were not confined to false promises; they were fraught with slander, detraction, and libels both of men and measures. To enumerate the falsehoods and slanders would require volumes; to enumerate the slandered would be to embrace every prominent democrat in the country, and every measure of the then administration. It is not my purpose to enter into particulars, or to deal in personalities; but there is one case, and one person, that I must be permitted to speak of while on this branch of the subject. The case to which I allude was the speech of Mr. BUCHANAN of the Senate; and that person is honest John Davis of Massachusetts. 'Honest John! God save the mark!

Mr. BUCHANAN, when supporting the independent treasury bill, said: "The chief object was to disconnect the government from all banks; to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and to defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of society." Mr. B., throughout his speech, from which the above extract is taken, denied that the independent treasury system would or could have the effect to produce the disasters upon the community which its enemies attributed to it. The effects attributed were, that it would destroy the banks, break down the credit system, establish an exclusive metallic currency, reduce the value of property and the price of labor. He denied that the bill possessed the power to produce such effects; and (as all his speeches show) was opposed to an exclusive metallic currency in the then condition of the country, owing to the manner in which the commercial, mercantile, and general interests of the country were interwoven with banks, paper currency, and the credit system. No man trod more cautiously, or advanced with more precision, and, at the same time, with more firmness, in the reformations that were then in progress in relation to the currency, and to the control, management, and disbursement of the national revenue, than did Mr. B. The safety of the revenue, and its proper and secure management, without materially affecting the channels of trade and the general interests of the country, seemed to be his highest object—for the truth of which I can safely refer to all his speeches in support of the independent treasury plan, and all financial measures appertaining thereto. I speak knowingly; I speak from hearing his speeches when made, and reading them when printed; and yet, in the face of all who heard him, and all who read his speeches, John Davis puts this argument in his mouth, viz: "It (the independent treasury) contains the necessary corrective [for the evils] imputable to the pernicious influence of bank paper, as it will check importations of foreign goods, suppress what we call the credit system, and, by restoring a specie currency, reduce the wages of labor and the value of property!" And this argument, which Mr. Buchanan never conceived, (or, if he did, never expressed) constituted a part of "honest John's" speech, and was heralded far and wide through the country; and was labelled and endorsed, and heralded back again, by every foul, filthy, false federal sheet in the land; and by every hired bank minion and corrupt demagogue in the shape of a stump speaker, from Daniel Webster down to the most contemptible whig whiff of federal mimicry. I take it on myself to say, and hold myself responsible, that a more meretricious falsehood never was invented—a baser and more groundless falsehood never entered the head or heart of any man. It was a falsehood worthy to be conceived by a vile, vitiated brain; worthy to be cherished by a corrupt heart; worthy to be given birth to by a polluted and foul mouth; and worthy to be promulgated by a poisoned pen; and worthy to be endorsed by a reckless, unprincipled, and corrupt party. I have noticed this falsehood, though at first personal; but it was told and spread to deceive a nation, and it did deceive a nation. It contained in its beginning the crime of a falsehood, and in effect and end the injury of a falsehood. I name it and expose it, in connexion with others of a like character, that the individual community may guard themselves against the effects of such falsehoods in the coming contest, which will fall upon the country as leaves in autumn by the blight of frost.

But falsehood and slander, and the bare, criminal, and treasonable auxiliaries which were brought to co-operate with

them, as I have said, were not the only resort of the federalists in 1848. There were other means, perhaps less criminal, but not less disgraceful, resorted to. I mean drunken orgies; empty displays; vulgar scenes; and exhibitions of coons, possums, skunks, empty barrels, old gourds, and snapping turtles; profane sacrifices; Tippecanoe and Hartford banners. These disgraceful shows, senseless parades, and profane demonstrations, were as fatal to the good order of society, and the moral institutions of the country, as the changes they effected were fatal to its political and pecuniary interests. Dignity of character, and morality of purpose, were alike sacrificed. All orders, all sexes, and all professions, of the entire federal family, were contaminated with the virus. Every institution and every temple, however sacred, was polluted. The temple of justice and the temple of religion, the judge's seat and sacred desk, were prostituted to the use and the level of the dogery, and the haunts of debauchery and dissipation. Yes, sir; not only were the ermine and the judgment-seat contaminated, but the sacred desk and the pulpit were polluted; and some of those who claim to be ministers of the gospel, ambassadors of our Saviour, and Heaven's bearers of despatches and glad tidings, standard-bearers of the holy cross, and those who administer the holy sacraments, prostrated themselves from their high and lofty station, to which none but apostles and ministers ordained by Heaven's sanction should presume to ascend,—even some of them, I say, prostrated themselves at the shrine of the corruptions and political iniquities of that time; and, in place of obeying the commands of their divine Master, in teaching the way of salvation to a dying world, were found playing the political missionary. In place of bearing witness to the truth of His holy religion, they were endorsing all the base, false, and infamous slanders and detraction which were propagated to overthrow the administration—slander and detraction worthy of the disordered brain of the reckless political desperado, the heart of corruption, and the tongue of poison.

I cheerfully recognise the right of every individual in the community to exercise the rights of a freeman; but while I hold sacred the names of Christian minister and apostle, I deem it a duty I owe to the holy religion, by which I hope for redemption and salvation in the world to come, to denounce the man who will abuse it, as unworthy to be its professional advocate. Yes, sir, some of them were found participating with, and mingling in, the drunken carousals that would have disgraced a bacchanalian feast, in the most degraded days of Greece. Such men are made for the tables of money changers, not for casting out devils. They might grace a gambler's board, but they would pollute a temple. For the honor of the holy religion of our fathers, and the sacred names of minister and apostle, I hope there were not many who so disgraced themselves, their name, and the religion which it is their profession to teach. But there were some. They will be marked, and made the subjects of religious and moral condemnation while they live, and wherever they go. Such were the demoralizing effects of means used in 1840, and such the end which justified the means. But, sir, other promises were made besides those of reform and retrenchment. We will examine them, and see how far they have been fulfilled. We were promised a sound currency, and plenty of it. How has that promise been fulfilled? It is useless for me to relate what everybody knows; and that is, that this administration has done nothing either to improve the currency, or to increase its quantity. So, under the general head of falsehoods, I place that to No. 2.

The people were told that treasury notes were an unconstitutional currency, and were the offspring of the independent treasury. They were denounced and ridiculed as "Uncle Sam's shinpasters." The constitution was to be preserved, and there was to be no more of such shinpaster currency. The whigs had not been in power three months, before they authorized the issue of millions of dollars in treasury notes; and they have constituted a vast portion of the national currency from that day to this. That is general falsehood No. 3.

The people were told, among the thousand other falsehoods about the independent treasury, that it was a dangerous executive engine, and that it placed the purse in the hands of the President, and gave him a dangerous control of the national treasury; and, if they obtained possession of the government, that dangerous executive control should be abolished. So, one of the first acts of the federal coon administration was to repeal the independent treasury, without making any provision for the safe-keeping and secure disbursement of the public revenue. The consequence was, that the President and his secretary, *ipso facto*, acquired the entire and uncontrolled possession and management of every dollar of the public revenue, and have so enjoyed it from that day to this. The violation of that promise I call falsehood No. 4.

It was urged that the administrations of General Jackson and Mr. Van Buren were proscriptive administrations; that they were administrations of a party and not of the people; that no man was permitted to share in the discharge of official duties,

except those who were partisans to the principles and supporters of their administrations; merit, worth, honesty, and talents, were no recommendation, &c. All this was false; for, throughout both the administrations of Gen. Jackson and Mr. Van Buren, there were more federalists who held office under the general government than democrats. But I have no time to detail single whig falsehoods; I must limit myself to generals. It was said that such a system of unrelenting proscription was demoralizing, and was corrupting the morals and prostrating the patriotism of the nation; and, if the democracy could be overthrown, "proscription should be proscribed." "Proscription proscribed" was one of the federal coon banners.

Here Mr. DUNCAN held up a whig banner, bearing this inscription:



No man was to be turned out of office for opinion's sake. The only question was to be, "is he honest, is he capable." All this, it was well known, was contemptible cant and miserable hypocrisy. For one month before the presidential inauguration, this city was crowded with office-seekers, loafers, and loungers, lean, long, and lank, to the number (it was said) of more than thirty thousand. I know that every public and private house (and some houses that I shall not name) were full from garret to cellar; and filled as the houses were, it was impossible to walk ten steps at a time in the avenue, without being jostled by some staggering, hungry, federal loafer. They seemed to have flocked from every part and every longitude and every latitude, and every zone, torrid, temperate, and frigid, of this wide-spread Union, numerous as the locusts, the lice, and the frogs of Egypt, and more devouring and destructive. Old federalists, who had been driven into caves with the Adamsses, where they had slept for forty years, waked up, came forth in their moth-riddled, antiquated garbs, staggering on their worm-eaten staves, dragging their withered, emaciated carcasses, and shaking their gray locks;—such a gathering never before was seen; such a gathering never will again be seen, until the sea shall give up her dead at the summons of the last trump. Well, the inauguration came, and with it, as a first step, the dismissal of every chief democratic officer at the head of every department of the government; then commenced the guillotine. The axe was not permitted to dry, nor the executioner to sleep; each head in each department vied with each other in

the work of execution. But Granger and Ewing went ahead, and even surpassed Robespierre, their worthy master and patron. The trial was more summary than that of the victims of the triumvirate. The inquiry to each victim was not, "*Is he capable, is he honest?*" It was, "*Are you a democrat? Do you belong to the democratic association, and are you a subscriber to the Extra Globe?*" The answer being in the affirmative, off went his head. Bring forward another; so it went. Such was the inquisition—such the guillotine—such the Robespierres, and such the fate of the victims.

Mr. Speaker, there were more men proscribed for opinion's sake the first six months of this administration, than there were from the first day of General Washington's administration, to the last day of Martin Van Buren's. So I make "*proscription proscribed*" general falsehood No. 6.

One of the charges of extravagance against Mr. Van Buren's administration was the "*princely manner*" in which the President's house was furnished. That falsehood was negatived by the appropriation of six thousand dollars, made to furnish the President's house at the commencement of this administration. That appropriation was properly made; the President's house required it; but the application of the money was not made as intended. I do not know what was done with all the money: I think I know what was done with a part of it. I am told that near twenty-five hundred dollars was laid out in wines to furnish the cellar—not in furniture for the house. What will the honest, sober, tax-paying community say, when they learn that this *was-to-be* economical and reform administration used twenty-five hundred dollars of their money to purchase wines for the loafing, lounging, lank federal office-hunter to guzzle down. But I must be brief on each head; so I place the charge of extravagance of the President's house—"gold spoons, French bedsteads," &c.—to general falsehood No. 7.

The day-laborers were told that if they would join the federalists in the overthrow of the democratic party, they should receive two dollars a day and good roast beef. I hold a banner in my hand; here it is; and here is the promise. Here is the inscription. It reads:

6½ CTS. A DAY AND SHEEPS
PLUCK to the LABOURER
UNDER VAN-BUREN
2 DOLLARS A DAY AND
GOOD ROAST BEEF under
GENL HARRISON

This was your promise, and this your flag, displayed in all your cavalcades, and in all your hard-cider orgies and bacchanalian feasts far and wide.

How has that promise been fulfilled? Thousands of honest laborers will answer next fall through the ballot-box—that they can get but twenty-five cents a day and no beef at all. So I place that promise to the credit of No. 8.

The federalists in the last Congress made but one attempt at retrenchment; and that attempt was but insolent hypocrisy, and made to deceive. The democrats, in a former Congress, reduced the price of public printing fifteen per cent. When the federalists came into power prior to electing the government printers, they passed a resolution reducing the price of printing twenty per cent., or five per cent. more; and then elected Gales & Seaton printers. That was the slow of retrenchment, and under that contract and resolution was the public printing done; but, in order to compensate for the reduction of the price, more printing was given to Gales & Seaton, by near one-half, than ever was given to public printers before by any Congress in the same length of time. But that was not all: at the close of the last session, and to one of the last appropriation bills, was made an amendment appropriating forty thousand dollars to Gales & Seaton, in addition to the price stipulated in the contract. Thus was the public treasury robbed to feed and fatten a pampered favorite partisan. So much for the only attempt to fulfil the promises of retrenchment. That hypocritical show and false pretence I mark No. 9.

Sir, my time, and the limits of a speech, will not permit me to prosecute the subject. If I had time I could fill a volume with these startling and damning falsehoods. I have selected those general and unvarnished ones, because they were connected with promises the more effectually to mislead the thoughtless and unwary; because they were appeals to the passions, to cupidity, and to avarice. When you hold up the promises made in 1840 to the federalists, and ask them, Why have you not made the retrenchments and reforms you promised in the government expenditures? Where is the plenty of money, and of good quality, you promised? Why have you not preserved that sacred principle of patriotism—toleration in office—for the abuse of which you so denounced the administrations of General Jackson and Mr. Van Buren? Why did you not "*proscribe proscription?*" Where is that brilliant prosperity you promised to every institution, to every interest, and to every person of the country. But above all, where is that two dollars a day and good roast beef you promised to the day laborer? The answer is, Oh! General Harrison died, and John Tyler turned traitor. Every sniffling whig whiffet, and bank spaniel, as well as every pompous puffed-up, haughty, federal, aristocratic rag-baron has that answer at his tongue's end.

General Harrison did die, but John Tyler did not turn traitor. Of General Harrison and his death, I have nothing to say. Peace be to his manes. If he had any faults in his life; I am the last to speak of them. Let his narrow tenement at North Bend conceal them. His virtues I will be first to speak of on all proper occasions. But I feel no restraint in saying that the man you elect to fill the highest station that man can occupy—to discharge duties the most important that can interest a nation—by such unhallowed means, and for such unhallowed purposes,—he will die, too, in one month. There is a Providence who superintends this nation. He holds its destinies in His hand; His track is to be seen in every path of the revolution

that emancipated us; and he who cannot see His divine interposition throughout this administration is an infidel or a fool—he may have his choice. I predict that, if the same means are to be used by the federalists to secure the election of their candidate, I mean drunken orgies, empty and profane songs, coon-skins, hard-cider carousals, and their kindred and criminal means, perjury, treason, falsehood, corruption, bribery, swindling, and blasphemy; and the end to be effected by such means is to break down our free institutions, trample upon the constitution, and subvert human liberty,—the result will be as it has been. The workers of such iniquity will fall before the breath and vengeance of a just God, as grass before the scythe. I speak of the guilty, not of the innocent. But John Tyler did not turn traitor; John Tyler has done nothing to merit such a charge. This charge is made, because he vetoed the bank bill.

The whigs caught a Tartar when they elected John Tyler—that is, they elected an honest man. He was raised a democrat, and prior to 1832 had always been a democrat, and a member of the democratic party; some of his last official acts, when a member of the United States Senate, were directed with ability and eloquence against the Bank of the United States. He was a warm and ardent supporter of General Jackson, and all the leading measures of his administration, until what was called the proclamation made its appearance. To some of the doctrines contained in that paper, he took exceptions, and for a time withdrew his support and influence from the democratic party, under the supposition that he had abandoned the democratic principles. The whig Harrisburg convention nominated him for Vice President, with a view to unite the whig slaveholders of the South with the whig abolitionists of the North against the democracy of the North and South. Mr. Tyler was not questioned as to his political principles prior to his election; consequently, he was under no pledge as to what measures he would or would not support. President Harrison died; Mr. Tyler took his place, untrammelled to any party, bound alone by motives and principles of patriotism, with a free judgment, and I believe an honest heart. Soon after the executive duties devolved on him, the extra session was called, and one of the first acts of the session was to pass a bill to incorporate a national bank. John Tyler vetoed it, and that is his great offence; for it, he has been denounced far and wide, by every hireling whig press, as a traitor, and by every whig demagogue as a scoundrel. The short of the story is, that the whigs were playing a fraudulent game when they elected John Tyler, and they got caught in their own net. I am no Tyler man, but it is due to my feelings and to justice, to say that the democracy and the country owe Mr. Tyler a debt of gratitude which will only be paid when the party strife which overshadows good and rewards evil shall have passed away, and merit and worth shall have a place in the political history of our country.

When General Jackson heard that John Tyler had vetoed that bill of abominations, he thanked his God that "*we had one honest man left.*"

When General Jackson, in 1832, vetoed the bill to recharter the Bank of the United States, every heart and every tongue of every patriot was full of gratitude and praise. It was said that, under all circumstances then existing, (meaning the power of the bank and the strength and influence of the bank party,) there was no other man living who had

the nerve and the moral courage to brave the storm, but General Jackson. John Tyler did the same thing, under as fearful circumstances. Why should he not have the same amount of gratitude and praise? "*Render unto Caesar the things which are Caesar's.*"

Mr. Tyler has done things that I regret. I regret that he signed the bill to repeal the independent treasury. I regret that he signed the bankrupt bill, by which just claims to the amount of millions were repudiated, swindlers encouraged, and scoundrels discharged from their honest obligations. I regret, above all, that he signed the bill to provide for the distribution of the proceeds of the public lands—a measure that, in its effect and object, was designed to plunder the people and bribe the States. But of all this the democracy, as a party, have no right to complain. Mr. Tyler was not of their choice, nor is he indebted to them for his situation. He has done all for the democracy that they could hope, and more than they had a right to expect.

Permit me to take this occasion to say that no blame is to be attached to the President for the profligacy and extravagance of this administration. It was the people's representatives in the House and Senate who made the appropriations of the people's money, and not the President. Let the blame rest where it properly belongs. "*Let justice be done, though the heavens should fall.*"

Mr. Speaker, from the very nature of our government, and from the nature of the representative character, the people have a right to demand and to know the principles and the measures which shall govern and be sustained by every candidate for office in the event of his election; and that right to demand carries with it the duty and the obligation, on the part of the candidate, to answer all interrogatories, made in a proper manner, and from proper motives, touching the duties, measures and principles, which shall govern him in the event of his election. That right and that duty were both violated in the contest of 1840, by the federal candidates for office. The candidate for the presidency was interrogated as to what measures and what principles would govern him in the event of his election? Those interrogatories were put to him from proper motives, and in a proper manner; but he refused to answer, and the people were given to understand that he would give "*no opinion for the public eye.*" A national bank, a high protective tariff, the independent treasury, the assumption of the State debts, and the distribution of the proceeds of the sales of the public lands, were all questions in which the people felt a deep interest. They were the great questions which had often agitated the country, and had divided the two great parties from the commencement of the government to that time, and still continue to do so. But it was a part of the whig organization to conceal their principles, and to substitute an honest and fearless expose of principles with log cabin parades, Tippecanoe songs, coon-skin displays, and such disgraceful flummery. When the whigs were cornered, and compelled to show their hand, they denied that they were in favor of those high-toned federal measures which had always characterized the federal party, and which had always been acknowledged as federal measures.

Mr. Speaker, I am one of those who believe that the march of intellect and moral and philosophical improvement has not been so great as some suppose. I believe that mankind would now be what they were many thousand years ago, if they were surrounded by the same or similar circumstances.

That we have not improved in many of the arts and sciences, both architectural and fine, the monuments of Egypt, Greece, and Rome, that have survived the destructive hand of time for more than three thousand years, plainly demonstrate. They display, at this day, a mechanical and philosophical power, and a success in fine arts, which no wisdom of this day can imitate. The pyramids of Egypt, the temples and lofty columns (though in ruins) of Greece, and the obelisks of Rome, not only surpass our imitation, but confound our wonder. Paintings are yet to be found, that have survived half the age of the world, whose delicacy and beauty confound the most splendid artists of our day, and from which every artist must take lessons, before he can be considered accomplished. Nor, even in this Christian day, and this Christian land, have we improved in morals and religion. The Egyptians, for want of a revealed Deity, worshipped crocodiles, cats, snakes, and toads. The Grecians worshipped owls, and held their drunken feasts, in congregated thousands, in honor of Bacchus, and carried and displayed jugs of wine and baskets of grapes, and decorated themselves with vine-leaves. The Romans nourished and revered geese, and through and by them expected political blessings and domestic happiness. The whig portion of this nation, with a revealed religion, a revealed Deity, and a Divine Mediator, adore and worship coons, possums, snapping-turtles, and skunks, and through and by them expect political prosperity and domestic happiness, now and hereafter; and, Grecian like, they hold their drunken carousals in congregated thousands, in which they display their gourds of hard cider and their baskets of parched corn and corn-dodgers, and ornament themselves with buckeye leaves. Sir, I think we have made no such advancements as we sometimes boast of. I can fancy too, sir, that I can see wisdom in some of the ancient customs and usages, even in pagan countries and pagan times, which we have almost lost sight of. Some of the ancients were in the habit of consulting their augurs and soothsayers as to the probable result of great national undertakings, as well as to the result of private enterprise. The augurs and soothsayers determined their judgment and their predictions by an inspection of the entrails of animals; and in certain qualities which they perceived by such inspections, they disclosed and foretold the fate of battles and the prosperity or ruin of kingdoms and downfall of nations; and even the motives and secret springs and principles of the human heart, were read in those anatomical inspections. That piece of ancient wisdom led me to a research after whig principles in the absence of any and all declaration of principle; for I perceive that the whig party are determined to conduct the coming political contest in the same manner and by the same means by which it was conducted in 1840. There is to be "no declaration of principles for the public eye." A political friend of mine sent me a drawing of a dissected coon, with a polite and respectful note, asking me to make some public use of it to the end that whig principles might be gene-

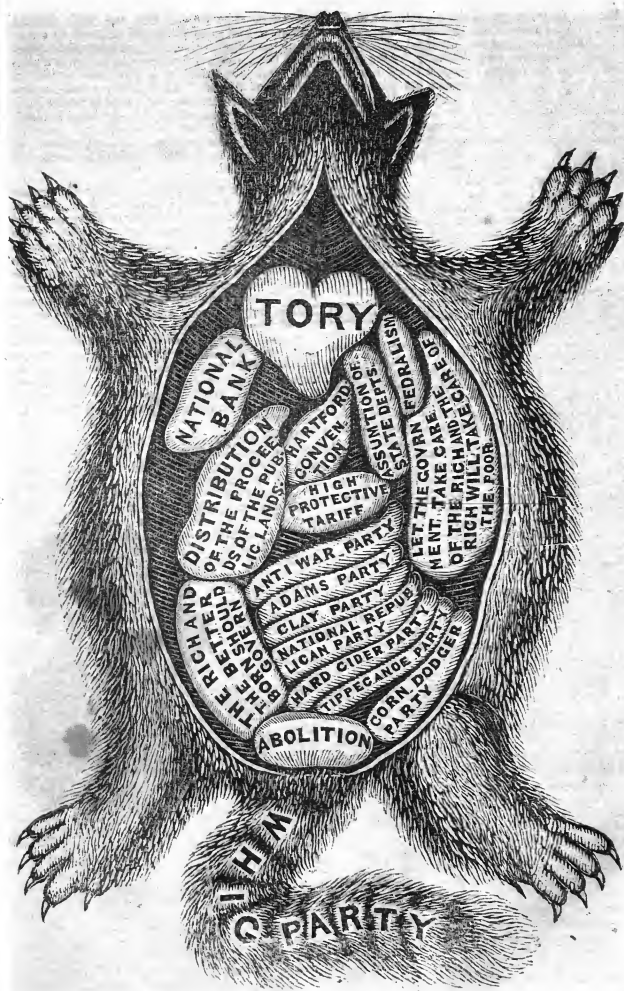
rally understood. I have carefully examined the internal viscera of this beast of whig pagan adoration.

[Here Mr. D. held up a beautiful painting of a coon, with the entire internal viscera exposed, and each organ and part colored to life.]

I find (said Mr. D.) this animal to contain within the cavity of its abdomen, all the leading principles of the federal party. The measures which have ever distinguished them as a party, and the names they have assumed at different times for political effect. The characters, initials and hieroglyphics, demonstrating modern whig principles, measures, and names, are Greek; from which it would appear that this same old coon lived in the days of the Grecian republics, three thousand years ago. I have deciphered and translated the Greek characters, and have supplied their place with the English translation; and, when thus translated, the following result appears, viz: In the heart of this coon—which may not only be regarded to some extent the seat of life, but also the seat of good and evil passions,—I say in the heart of this coon are found the secret principles of the whig party expressed in the word "tory," plainly and distinctly written. On the right lobe of the lungs is written "national bank," and on the left, "old federalism"—all within the cavity of the thorax. Below the diaphragm, and within the cavity of the abdomen, we find the balance of the whig principles, measures, and names, distinctly marked, beginning with the pancreas, and descending through the whole line of the abdominal contents. To save the time of anatomical demonstration, I will merely name, at present, the whig principles and names as I find them disclosed in the bowels of this beast; and, for the benefit of all my readers, I will procure a cut, to accompany my speech in pamphlet form, which will give them an ocular demonstration of whig principles, which it has so long been the effort of the party to conceal from the "public eye." But to progress: on one organ is marked "Hartford convention;" on another, "protective tariff;" on another, "assumption of the State debts; on another, "distribution of the proceeds of the public lands;" on another, "the rich and well-born should govern;" on another, "let the government take care of the rich, and the rich will take care of the poor." So much for whig principles. Now for the different names which the party have assumed for the purposes of political effect and political deception. Here they are to be found in the bowels of this same old coon:—federal party, anti-war party, bank party, Adams party, Clay party, national republican party, antimasonic party, log-cabin party, hard-cider party, Tippecanoe party, corn-dodger party, abolition party, and, in the tail-end of this coon, we find the last name—whig party:—tory at heart, and whig in the tail!

I have examined the brain of this animal with great care, but I can find neither characters nor hieroglyphics, ancient or modern, which can guide me to any conclusion other than that, like most of those who make it an object of adoration, it (the brain) is of small quantity and of poor quality.

WHIG PRINCIPLES.



But, sir, these are not all the advantages and discoveries I have drawn from the anatomical examination I have made, and thus disclosed in "*this same old coon*;" I perceive very distinctly, by the disordered state of the various organs which I have examined, that they plainly predict the entire overthrow of the federal party, and, with their overthrow, the downfall of all their high-toned federal measures. Their fate seems to be as distinctly marked in the entrails of this animal of whig adoration, as was the fate of Belshazzar upon the wall of his palace chamber; and all the terror that seized him, now shakes them.

I think, sir, I can perceive, with the same distinctness which guided the ancient oracles, in the bowels of this emblem of whig principles, the very States which will cast their votes for the democratic nominee of the convention to be held in Baltimore. I predict from these signs, with oracular certainty, that Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, New Jersey, New York, New Hampshire, Pennsylvania, Maine, Michigan, Ohio, Indiana, Illinois, Missouri, Arkansas, Tennessee, and Connecticut, will triumph in the election of their respective number of democratic electors, which will be one of the most triumphant and glorious victories which the democracy of this country or any other ever gained. This is my prediction; and let no whig pagan so profane himself and his coon religion as to repudiate it; for it is drawn from irresistible signs, displayed in the vitals of the animal of his most sacred and political devotion and reverence. Then I would say, in the spirit of all candor, Go ahead, democrats—the signs are in your favor. Unfurl your banner to the breeze. Triumph will be yours. Victory will once more perch upon the democratic standard. Once more you will teach the revilers of republican government, and the enemies of free institutions, that the people are capable of self-government.

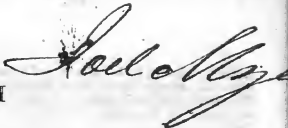
Mr. Speaker, patriotism is the spirit by which our political fabric is held together. The elective franchise is the soul of our republic, and the freeman's boast. Let it be supported, and it will support all the rest; all will be safe. The solemnity of the legal and judicial oath is the sheet-anchor of all our moral, religious, and political institutions. Let corruption pollute the ballot-box, and perjury corrupt the sacred sanctuary of truth, and all is lost. Our institutions, political, moral, and religious, will all sink together, and the offspring will be as it was in the French revolution. Your legislative halls will present but scenes of butchery. Plunder, murder, and arson, will be but legalized crimes. And, too, as in the French revolution, your Sabbath will be changed to a decade, and the house of God

to a stable. The word of God and your revealed religion will be paraded through your streets on an ass, in contemptuous ridicule, and consumed on bonfires. Your Redeemer will be postponed to a murderer, and your Maker to a prostitute, styled the goddess of Reason. Your judiciary will be converted into a triumvirate; your seats of justice into a guillotine; and your fields will be drenched in blood. These, sir, will fill the measure of such iniquity, such frauds, such perjury, and such treason, as were practised in 1840, if persisted in, unchecked and unrestrained.

The passage of this bill will destroy the temptation and the means to perpetrate such violence. Let the whirlwinds and tempests of party spirit and party passion run mountain high; the safety of the republic, the purity of the ballot-box, and the security of our free institutions, will not be drawn into the vortex and wreck of ruin. Can we not lay aside all party feelings for this time, and on this occasion, and come up as one man in support of this measure? Now is the time—now is the day. We are on the eve of another presidential election, which will elicit every feeling and every corrupt passion which party strife can engender; and is there not danger that the same scenes of 1840 will be acted over? Is there not danger that our moral, our political, our free, and our religious institutions, may receive another shock, which may palsy them beyond recovery?

Sir, my heart is fixed and set on the passage of this bill; and I feel as though I have a right to appeal to the patriotism of this House for its support; and if I had the voice of thunder, I would extend that appeal to the remotest parts of this Union. I would awaken the attention of every patriot, of every lover of human liberty, and of our free institutions and their duration, to the support of this measure. I would invoke him, in the name of human liberty, and on behalf of his free institutions, by which he expects to perpetuate that liberty; in the name of that majesty which is his, by the rights of a freeman, to send forth his voice to this hall, and demand, and command his representative to support this bill—to make this bill a law of this land.

I would extend that appeal, too, to every press, the potent engine of human liberty, and the terror of crowned heads. I would ask them to raise the strong arm and the loud voice in favor of this bill. I would say to them, now is the time, and this is the occasion, which demand that influence which is theirs. I would ask that same influence in behalf and in support of this measure, which has demolished thrones, torn crowns from the heads of despots, broken crostiers, and redeemed nations.



Silas 1795-1897

SPEECH

OF

MR. WRIGHT, OF NEW YORK,

ON

THE TARIFF.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 19 AND 23, 1844.

Mr. McDUFFIE, of South Carolina, introduced in the Senate a bill proposing to reduce all duties, under the present tariff law, which are above the rate of 20 per cent., to that rate, by gradual reductions. That bill was referred to the Committee on Finance, and the committee reported the bill back to the Senate, without amendment, with a resolution recommending its indefinite postponement, upon the ground that the constitution requires that all such bills shall originate in the House of Representatives.

The question being upon this resolution, reported by the Committee on Finance, Mr. BAGBY, of Alabama, was entitled to the floor, and he yielded it to Mr. WRIGHT.

Mr. WRIGHT said his honorable friend from Alabama was entitled to his thanks for thus generously yielding to him the privilege to address the Senate at this time, and he sincerely tendered them to him.

The question in form, was the bill introduced by the honorable senator from South Carolina, [Mr. McDUFFIE,] and the resolution of the committee proposing its indefinite postponement; but the question in fact, and to which the discussion had been principally directed, was the modification, in any form, and to any extent, of the present tariff law. The latter was the question it was his exclusive object and purpose to discuss.

In reference to the bill referred to, and the resolution of the committee proposing a final disposition of it, he would merely remark, that the difficulties which had been suggested against originating such bills in the Senate, under the provision of the constitution, that "all bills for raising revenue shall originate in the House of Representatives," had not been obviated in his mind, and he could not vote for the bill of the honorable senator in the shape in which he had presented it.

The question whether any, and what, modifications ought to be made to the present tariff law, was one of great importance, of which he was not insensible. He believed he felt, as deeply as he was capable of feeling, its magnitude and delicacy. He

had not forgotten that it was a question affecting all the great interests of the country, and, to a greater or less extent, the private interests of almost every citizen. He was not insensible that it intermixed itself with the political feelings, as well as interests, of parties and individuals; and that, at a time like the present, pending a heated political canvass, it could not be kept separated from the prejudices and passions which such a canvass was too liable to excite. Still, he felt it to be his duty to discuss the question fairly and candidly and fully, and that duty he intended to discharge. He should endeavor to regard all the interests and all the feelings to be affected by the discussion; and to express his opinions without reserve, upon all the points he should raise. That he should avoid errors, he dared not to hope; but that he should be able to express himself in a manner not to give just offence to any individual, or to any interest, and much less to any member of the Senate, he did earnestly hope.

The manner of the passage of the present tariff law, and the circumstances which attended its passage through both Houses of Congress, and especially through the Senate, gave the fullest assurance to the country that some, at least, who voted for it, did not expect it would produce content and quiet in the public mind, or that it could be permanent. He was one of those who entertained these anticipations in regard to that law, at the time of its passage, and he gave expression to them upon that occasion. After he found his efforts, and those of all others, to remedy its manifest defects, must be ineffectual, and that the law must pass as it was, or not at all, his conclusion to vote for it was one of the most reluctant he had ever formed as to the discharge of a public duty; and he could not consent to give that vote, without placing upon record the reasons for it, and an assurance of his future readiness, whenever the opportunity should present, to correct the errors which he felt convinced were prevalent in the provisions of the act. That assurance was distinctly given in the remarks to which he referred. It had never been forgotten by him, nor had he been per-

mitted to forget it; for his friends, and especially the honorable senator from New Hampshire, [Mr. Woodbury,] had been careful to remind him of it in the course of this debate, for which he thanked them.

Among the reasons then given for his vote, he begged to bring the recollection of the Senate to that of a suspension of the distribution of the proceeds of the public lands. That reason alone was most powerful with him, and most especially so as connected with the legislation of Congress of this character. He considered that a measure directly calculated, if not intended, to produce the necessity for high duties; and its continuance, even for a few few years, appeared to him strongly to threaten to make that necessity perpetual, by making the repeal or suspension of that law impossible. He should, therefore, have voted for an otherwise very bad law, to accomplish that great good. His other reasons were connected with the then state of the treasury, the condition of the public credit, and our rapidly accumulating national debt; and he would content himself with a simple reference to them, as then given.

In proceeding with this discussion, he was not at liberty to forget the character and extent of the various interests it was his duty to represent, in legislating upon this subject. The mechanical and manufacturing interests of the State of New York are second to those in few of the States of the Union. They exist to a large extent, and in almost all their varieties, in that State, and are rapidly increasing and very important interests.

The commercial interest of the State is very far greater than the same interest in any other of the States, and the enterprise and energy engaged in it are certainly second to none. Its health and prosperity are highly essential to the well being of all the other great interests of the State and country, and they should not fail to command the careful attention of every representative from the State in Congress.

The agricultural interest of the State is the basis of all the others, and is paramount to all in extent and importance. Represent what else he may, every representative from the State, out of her principal city, represents an agricultural interest greater than any and all others, and of which not one of them can, or will, be unmindful. The agricultural interest of New York is a less exclusive interest than in some of the other States; but it is second in extent of capital, and in importance, to the same interest in few, if any, of the States.

The great interest of labor, as an independent interest, distinct and separate from capital, exists as much more extensively in this State than any other, as the population of the State exceeds that of any other. This interest exists in all the others, pervades them all equally, and is equally indispensable to them all. So far, therefore, as it is to be affected by this legislation, it is paramount to them all, and presents an equal claim to the watchful care of every representative, come from what State, or from what part of any State, he may.

Such was a brief view of the great interests addressing themselves to him, when called upon to act upon the subject of the tariff. Such were the interests to which he acknowledged direct responsibility for his action here; and to assume that he did, or could, feel hostility towards any one of them, would be to assume that he did and could entertain most unnatural feelings, without the slightest possible

foundation for them. In proportion to the existence of these great interests in the State, he was, so far as he knew, equally indebted to all. His personal relations towards all had ever been equally amicable; his personal interests were intimately connected with the prosperity and success of all; and if his personal feelings were partial to any one, to the prejudice of any other of them, he was entirely unconscious of the fact. So far as he knew himself, he was equally disposed to do justice to every one of these interests; and if the opinions he should express, and the policy he should recommend, should prove him mistaken in fact, he certainly was not in the intention. There might be points of conflict between these great interests, touching our legislation of this character; but he laid it down as a rule which could not be mistaken, that the law, affecting all, which was best for all collectively, was the best and wisest law for each interest separately considered; for it was impossible that either could derive permanent benefit from that measure which should inflict permanent injury upon any other. Intending to preserve the strictest observance of this rule, he would proceed to the discussion.

And he would premise that it is the settled and determined policy of the government and people of this country to raise, by duties upon imports, so much revenue as the public treasury shall require, and the wants of the government, economically administered, shall demand, beyond the permanent receipts from the public lands. This, he believed, was a position assented to by all, practically speaking. There might be individuals who believed it would be more equal, and more economical, to raise this revenue by direct taxation upon the property of the country, as a theoretical proposition; but he did not suppose that a single individual in the whole country contemplated a change from this indirect, to a system of direct, taxation, to raise the revenues necessary for the support of this government, in a time of peace. He certainly contemplated no such change; and he should consider any proposition to effect it unwise, inexpedient, and wholly inadmissible.

Assuming, therefore, that this portion of our necessary revenues were to be raised by imposts, as a permanent and settled system, he would first lay down the rules by which he thought these imposts should be graduated, and by which he considered the right and the claim to protection, on the part of any interest, to be limited, before he examined the present tariff law with reference to modifications.

First, then, every duty upon a protected article is necessarily protective to some extent. It serves to give an advantage to the producer of the article in this country over the foreign producer, in the markets of this country; because the foreign article must pay the duty, and the domestic article does not. In this respect, it is immaterial whether the producer of the article in the foreign country, or the consumer of it in this, pay the duty. If the former pay it, he sells his article at a less profit, or at a loss, in consequence; while, if the domestic consumer pay the duty, it is because it adds to the market value of the article in this country; and in either case, the domestic producer reaps the advantage.

Second. Every duty is necessarily prohibitory to some extent. Any branch of trade wholly free from taxation will necessarily be entered into more readily, and carried on more extensively, than when taxed; though light duties will exert a much less proportionate prohibitory influence than heavy ones.

The capital required will be increased in about the proportion of the duties assessed, because the importer must pay the duties before he can offer his goods in the market; and when the duties are made heavy, the hazards of the trade are greatly increased, from the increased outlay of capital, and the increased risk of finding consumers at greatly enhanced prices. Hence the greater proportionate prohibitory action of high duties.

Third. Every duty is a revenue, as contradistinguished from a protective duty, so long as its revenue are paramount to its prohibitory powers. That rate of duty, upon any given article of import, which will yield the largest amount of revenue, is the highest revenue duty which that article will bear, and affords the highest protection which can be given to the article, when of domestic production, consistently with the object of raising revenue. Any less rate of duty upon the same article is, of course, within the revenue range, and is a revenue duty, though not the highest which may be imposed to raise revenue. Up to that highest rate, the only way to increase the amount of revenue to be derived from the importation of the article is to increase the rate of the duty. Within this range, the protection afforded is incidental to the revenue power of the duty; and if the revenue be required, the protection is a necessary and unavoidable incident, and cannot afford just ground of complaint to any interest. This he considered the true limit of the right and claim to protection.

Fourth. Every duty is a protective, as contradistinguished from a revenue duty, when its prohibitory become paramount to its revenue powers. Raise the duty upon the given article above the highest revenue rate assumed under the last head, and the importations of the article will be either wholly prohibited, or so greatly diminished, that the amount of revenue derived will be less, though the rate of duty paid is greater. If the prohibition be perfect, there will be no revenue. In either of these cases, the protection to the domestic article is greater than before supposed; but it is obtained at the sacrifice of revenue, not as incidental to it. The prohibitory have become paramount to the revenue powers of the duty. The positions are reversed; and the revenue derived, if any, has become a mere incident to the protection afforded. This is making protection the principal, and revenue the incident. It is exercising the power which the constitution has given to Congress, "to lay and collect taxes, duties, imposts, and excises," not to put money in the public treasury, but to prohibit imports, and diminish the revenue for the sake of the protection afforded. He was compelled to consider it a very questionable exercise, both in principle and expediency, of these taxing powers.

It followed, from these positions, that free trade is the absence of duties, and prohibition the destruction of revenue, either of which would equally destroy our system of revenue from imposts, and force a resort to direct taxation; that a fairly arranged system of revenue duties was the medium between these extremes; and that such a system would necessarily extend to our domestic interests an amount of incidental protection equal to the whole amount of the revenue required from this source, and still leave a healthful and stable foreign trade.

He hoped he should be understood, and that he had been able to express the opinions he entertained upon these points. If so, it would be seen that the articles upon which the requisite amount of revenue

should be assessed and collected, and the rates of duty to be imposed upon each, within the revenue range, were, in his opinion, entirely within the discretion of the legislature, as a question of principle. Congress had always allowed the importation of some articles free of duty, and its right to do so had never been questioned. Could there be any more question of its right to impose one rate of duty upon one article, and a different rate upon another, keeping within the revenue limit in all cases? He thought not. The imposition of duties to prohibit trade, and defeat revenue, appeared to him to be the ground of complaint and question; not the imposition of duties to raise and collect revenue, although more heavy upon one article than another.

The power to discriminate, then, as to the articles to be taxed, and as to the rate of tax to be imposed upon each, within the range of revenue duties, he considered perfect and unquestionable; and whether it should be exercised to favor necessities at the expense of luxuries, the poor at the expense of the rich, to extend incidental protection to a domestic interest against the too strong competition of a foreign competing interest, or for any similar object, appeared to him to be questions purely of legislative discretion, and not at all of constitutional power. He thought this point had been obscured by confounding the limit of the power with the object of its exercise. He did not admit the rightful exercise of the power, beyond the revenue limit, for any object; and within that limit, he admitted it for all objects, within the reach of legislative discretion. In this way the argument was disembarassed from all the difficulties which had been thrown out, about recommending discrimination for one object, and denying the power to exert it for another. It was a power which, thus limited, might be greatly abused. It might be exercised against necessities to favor luxuries; against the poor to favor the rich; against the protection of domestic interests to favor foreign producers; or in any other perverted manner; but such liability to abuse did not disprove the existence of the power.

A single remark further would bring him to an examination of the practical operations of the present law upon the trade and business of the country. It was, that, because the rule laid down recognised the highest rates of duty consistent with revenue to be the proper limit of legislative discretion in arranging and imposing duties, it did not follow that this limit was always to be reached in fixing the rates of duty. The state of the public treasury and the wants of the government for proper expenditure, were to control that discretion within this limit. No more revenue should be drawn from the pockets of the people than the economical administration of this government renders indispensable. While the revenue limit can never be exceeded to obtain revenue, because duties above that line prohibit importation so as to diminish revenue, so duties should never be imposed, within that line, for the mere sake of the incidental protection, when the money to be realized from the tax is not required for the public service.

With these limitations kept constantly in view, he was now prepared to enter upon an examination of the present tariff law, in its practical action upon the foreign commerce of the country, as shown by the custom-house returns made to the Treasury Department, and the tables of commerce and navigation for some few years past. In the statements he proposed to make, and the results he had arrived at,

he had depended mainly upon the documents he had found appended to a report of the Committee of Ways and Means of the House of Representatives, made to the House on the 11th of March last. This report had been laid upon the tables of the members of the Senate, and was, therefore, within the reach of every senator. He first referred them to "Appendix A," which showed that the whole amount of the importations, for the year commencing on the first of October, 1842, and ending on the 30th September, 1843, was \$89,260,895. That of these imports, the free articles amounted to - - - - 40,470,961

Leaving the amount of articles paying duty at - - - - 48,789,934

Of these dutiable goods, those re-exported, with a drawback of the duty, were - - - - 4,363,440

Thus leaving, for the consumption of the country, and to pay duty in fact, but - - - - 44,426,494

The present tariff law was approved by the President on the 30th of August, 1842; so that the year above given is the first and only one in which its practical operation upon the trade of the country can be tested by the returns.

A comparison of this year's business with the total and dutiable importations of the six previous years will give a general view of the diminution of our trade under this law. The importations of those six years were as follows:

Years.	Free of duty.	Paying duty.	Total importations.
1837	\$69,250,031	\$71,739,186	\$140,989,217
1838	60,560,005	52,857,399	113,717,404
1839	76,401,792	85,690,340	162,092,132
1840	57,196,204	49,945,315	107,141,519
1841	66,019,731	61,926,446	127,946,177
1842	30,627,486	69,534,601	100,162,087

An examination of these figures will show that the entire importations of the single year, under the present law, are nearly eleven millions less than the importations of 1842, which was very much the lowest of the six years; and almost seventy-three millions below the importations of 1839, the highest of those years. The changes in the character of the importations will still more clearly exhibit the influence of this law upon the trade. Under the compromise act, the class of free articles was very large; and during the whole period of the operation of that law, about one half of the entire importations, as an average, were free of duty. That will be remarked as to five of the six years, by a reference to the figures given above—the advantage being about seven millions on the side of the free goods.

On the 11th of September, 1841, an act was passed "relating to duties and drawbacks," which imposed a duty of 20 per cent. upon all free articles, and all articles then paying a less duty, with certain enumerated exceptions, the principal of which are tea and coffee, raw and undressed hides and skins, coarse wool, gold and silver coins and bullion, and the list of articles used in manufacturing. This act was in force as to all the importations of 1842, except so far as those importations may have been reached by the present law; and the consequence was, that the amount of free articles fell down, from more than an average of 60, to 30 millions, and the dutiable articles rose up to 69 millions; being more

than the average for the five previous years, although the importations of the year were much less than in any one of the five, and very far below their average. In this single year the dutiable articles much more than doubled the free. Under the present law the free and dutiable articles are very much the same as under the law of 1841, except that the coarse wool, and raw and undressed hides and skins, are added to the dutiable side, at the low rate of 5 per cent.; and yet the dutiable importations, in the first year of its operation, are nearly 21,000,000 less than under the act of 1841, which was in force but one year; and the free importations have gone up again almost 10,000,000 above what they were under the last-named act, and to very nearly the one-half of the entire importations of the year. This, too, has taken place after the change from the free to the dutiable side of full three millions in the articles of wool and skins. When to this astonishing change in the character of the imports, in a single year, is added the fact that, of the 40 millions of free imports, in 1843, about 24 millions consisted of gold and silver coins and bullion alone, the influence of the law upon the trade of the country cannot fail to be seen. The exchanges of commerce have been crippled to an unexampled extent, and our produce sent abroad for a market must be sold for what it will bring in coin, as the merchant dare not exchange it for merchandise, and encounter our duties.

This is a general view of the whole imports; of the whole foreign trade of the country. It afforded the ground for a very imperfect judgment as to the effect of the law in detail. The rates of duty were very various, and upon some articles of importance they were moderate, and upon some very low. Upon other large classes of articles, again, they were very high and extensively prohibitory. A detailed examination, therefore, was necessary to present the action of the law in its true light; and to enable him to make that examination he had referred to other tables appended to the same report. "Appendix B" was a comparative statement of dutiable imports, for the six years which had been mentioned, and for the first three quarters of the one year under the present law; exhibiting the articles as named in the present law, and the amount of importations of each article, so far as that could be ascertained from the different forms in which the import tables had been kept, under the different tariff laws. The first column showed the average importations for the three years, 1837, 1838, 1839; the second, the same average for the three years, 1840, 1841, 1842; and the third, the actual imports for the three quarters of a year, commencing on the 1st of October, 1842, and ending on the 30th of June, 1843. "Appendix D, No. 2," exhibited the actual importations, for the same three quarters, of each article paying ad valorem duties under the present law, the amount of duties actually paid upon each article so imported, and the rate per cent. of the duty fixed in the law, where there is no minimum, and the rate per cent. to which the duty paid amounts, where there is a minimum. "Appendix D, No. 3," gave the same information, for the same period, as to all the articles imported, paying specific duties under the present law. In this table the rates per cent. of the duty were calculated at the treasury, from the value of importations of each article, and the amounts actually paid in duties; and both these documents were authenticated by the official signature of the Register of the Treasury. To these three tables

reference was to be had for the data upon which the following particular statements were based.

From the 1st of October, 1842, to the 30th of June, 1843, being the first three-quarters of one year of the operation of the present tariff law, the importations of wool, costing more than seven cents per pound, were valued at \$54,695; and the amount of duties paid upon that sum was \$21,941 88, being at the rate of 40.11 per cent. The average value of the importations of this same description of wool, for the three years, 1837, 1838, and 1839, was \$801,087; and for the three years, 1840, 1841, and 1842, \$1,004,312. This is equal to an average, for the six years, of \$902,699 per year; while the \$54,695, for three-quarters of the year, under the present law, is only equal to the rate of \$72,927 per year; showing a falling off of the importations, compared with the average of the six previous years, of more than 91 per cent.

The value of the imports of cloths, cassimeres, and other woollen goods paying a duty of 40 per cent., for the same three-quarters of a year, was \$1,472,381, upon which there was paid in duties the sum of \$588,952 40. The average value of the importations of these same goods, for the six years before named, was \$5,613,920 per year. The average importations for one year, under the present law, at the rate of the three-quarters given, was \$1,963,175, showing a falling off in this importation, as compared with the six years, of 65 per cent.

The whole importations of the manufactures of cotton, for the same three-quarters of a year, were valued at \$2,958,796. The nominal duty, in the law, upon all these goods, is 30 per cent.; but the *minimums*, or artificial valuations, which the law fixes upon various portions of them, makes the actual duties paid vary from 30 to 70 per cent., and raises the average upon the whole to more than 38 per cent. Still the tables of importation, if carefully examined, will prove beyond question that large classes of the cheaper cottons are entirely prohibited by the operation of these *minimums*. Thus, every yard of printed or colored cotton cloth, cost what it may, is to be valued at 30 cents per square yard, provided it cost less than that sum, and is to pay the duty of 30 per cent. upon that valuation; while all know that it is almost difficult, at this day, to find, in a country store, a yard of cotton calico of so high a price as 30 cents, while much is retailed for 10 and 12 and 15 cents. He would refer senators to pages 72, 73, 74, of this report of the Committee of Ways and Means of the House, for a statement of the rates of duty upon the whole range of cotton manufactures, calculated upon the English prices, where they will find, if the importations could be made, that the duties would range from 30 to 162 per cent. The average importations of the manufactures of cotton, for the six years named, was in value \$10,047,099 per year; and the average per year, under the present law, calculated from the three quarters above given, was but \$3,945,061—being 60 per cent. less than the rate of importations for the six years.

Worsted stuff goods, worsted yarns, mits, gloves, and the like, were free of duty under the compromise act; and a duty of 20 per cent. was imposed by the act of 1841. By the present law, that duty is raised to 30 per cent. This is a class of goods manufactured to a very limited extent in this country; and the duty, upon every principle, should be a revenue duty only. The average importations, for the

six years, were valued at \$4,581,587. The average per year, under the present law, calculated from the three quarters, is \$608,068—showing a falling off, in comparison with the six years, of 83 per cent.

Silks were free under the compromise act, and paid a duty of 20 per cent. under the act of 1841. By the present law, the duties are mostly specific, and levied upon the pound weight, but differing somewhat upon different descriptions of goods. These duties, calculated *ad valorem*, range from 16 to 65 per cent.; while the *ad valorem* duties imposed by the law vary from 20 to 40 per cent. The actual average duties paid upon the importations of the three quarters, of silks paying specific duties, was 32 per cent.; and of silks paying *ad valorem* duties, 26 per cent. The average value of the importations of all silks, for the six years, was \$15,247,330 per year, and the average per year of the same importations, under the present law, calculated from the three quarters, was \$3,622,347—being 76 per cent. less than the rate for the six years. Upon these goods, too, the specific duties have the effect to impose the highest tax upon the cheapest and most common article. A plain, firm, black silk, such as is most usually worn by those who wear silks in the country, will weigh much more than a fine, rich, figured, French silk, such as is worn by the more wealthy in the cities; the cost of the former will be about half that of the latter; and yet the pound weight of each pay the same duty, making the rate, upon the common article, from 40 to 50 per cent. and upon the rich article from 20 to 25 per cent.—just about half. Here, too, there is no manufacture to protect, and no apology for any other than revenue duties.

Upon carpets, the duty is also specific, being levied upon the square yard; and the rates *ad valorem*, calculated upon the actual importations, range from 28 to 87 per cent. Although the amount of duty varies upon various descriptions of carpeting, yet the heavy rates fall upon the common and cheap goods, and are almost entirely prohibitory of them. The whole importations, for the three quarters, were valued at but \$181,810, and of this amount \$150,948 was Brussels carpeting, a description much more expensive than that in most common and extensive use. Of the remaining \$30,000, \$17,099 was an importation of 7,372 yards of Wilton carpeting, the foreign cost being about \$2 50 per yard, and the rate of duty but 28 per cent.; while upon the Brussels, it was 42; and upon the treble ingrained, a much more common article, 87 per cent. The rate of diminution in the importations of carpeting, during the one year, under the present law, compared with the six previous years, was 41 per cent.

Cotton bagging is another article upon which heavy specific duties are imposed, averaging about 53 per cent. *ad valorem*. The average value of the imports, for the six years, was \$379,718; and for the one year, under the present law, calculated from the actual imports of the three quarters, \$141,755—being a falling off of 62 per cent.

The duties upon glass-ware, and window glass, are also specific; the former upon the pound weight, and the latter upon the superficial measure. The rates *ad valorem*, upon the actual importations of glass-ware, ranged from 29 to 186 per cent.; upon window glass, from 62 to 243 per cent.; and upon vials and bottles from 11 to 165 per cent. The value of the whole importations of crown window glass was but \$310; and upon that were actually paid \$688 75 of duties—being 222 per cent. upon the

whole. The total value of the importations of glass paying specific duties, for the three quarters of the year, was but \$55,214, while the value of the imports of large glass plates, plates silvered, painted glass, &c., paying ad valorem duties averaging but 32 per cent., were \$61,591. The falling off in the importation of glass of all descriptions, comparing the one year with the six, was 77 per cent.

The average importations of sugar and sirup of sugar, for the six years, was \$7,600,449; and for the one year, under the present law, calculated from the actual importations of the three quarters, \$3,376,824—exhibiting a falling off in the importations of this article of 55 per cent. The duties upon sugars, calculated ad valorem upon the actual importations, range from 67 to 101 per cent., the highest rate being upon loaf and other refined sugars. The rate upon sirup of sugar is 161 per cent.; and the provision of the law shows that it was intended to be prohibited. The importation is merely nominal—but \$57 in value in the three quarters of a year. The rate ad valorem of the duty upon molasses is 51 per cent.; and the importations had fallen off 52 per cent., comparing the one year with the six. The average value of the importations, for the six years, was \$3,192,683; and for the one year, under the present law, calculated from the actual imports of the three quarters, \$1,513,693.

The importations of hemp, cordage, and sail duck, together, for the three quarters, amounted to only \$695,571, being at the rate of \$927,428 per year; while the average importation, per year, of the same articles, for the six years, was \$1,408,525—showing a diminution of the imports of these articles, under the present law, at the rate of 34 per cent. The rates ad valorem of the duties upon hemp are less than 32 per cent., and upon duck less than 23 per cent. Upon some articles of cordage the rates are enormous. Of untarred cordage, the value imported, in the three quarters, was \$5,798, and the duties actually paid amounted to \$10,103 71, equal to the ad valorem rate of 174 per cent. So, of untarred yarns the value imported was \$1,028, and the duties actually paid \$2,046 96, equal to 199 per cent. Here the prohibition upon these manufactures rested most heavily.

The actual importations of paper, for the three quarters, were very trifling, the whole value only amounting to \$32,180, being at the rate of \$42,907 for a whole year. \$17,752 of this amount was paper hangings, paying an ad valorem duty of 35 per cent.; and the residue, \$14,428, paid specific duties, ranging from 16 to 97 per cent. The duties were specific upon almost all articles of paper, and were entirely prohibitory upon a very large proportion of them, there being no importations. The average imports of paper of all kinds, for the six years, was \$150,685—showing a falling off, as compared with the one year, under the present law, of 71 per cent.

The duties upon leather under the present law are mostly specific, and upon the actual importations of the three quarters ranged from 13 to 60 per cent.; but the whole importations only amounted to \$237,217, being at the rate of \$316,289 per year. The average value of the importations for the six years was \$805,349; those for the one year, under the present law, being 60 per cent. less than that rate. Here, again, a large share of the duties are entire prohibitions.

Raw and undressed hides and skins were free of duty previous to the passage of the present law.

The average importations for the six years were \$3,130,435 per year, and for the one year under the present law, which imposes a duty of 5 per cent., \$3,104,095—being a falling off of less than 1 per cent., as compared with the six years. This may serve to illustrate the trifling prohibitory power of so low a duty.

He would only weary the patience of the Senate by the examination of a single other article—iron; but its various descriptions, and the great variety of its manufactures, would make that examination somewhat tedious.

The rate of duty actually paid upon the importations for the three quarters of bar iron, manufactured by rolling, was 77 per cent.; and the value of the importations was \$511,282; being at the rate of \$681,709 per year. Upon hammered bar iron the rate of duty was 32 per cent., and the value of the imports was \$327,550; being at the rate of \$436,733 per year. Iron in pigs paid duty at the rate of 72 per cent., and the importations were valued at \$48,251; being at the rate per year of \$64,335. The average value per year for the six years, of the importations of the rolled bar iron, was \$2,252,174; of the hammered bar iron, \$1,597,249; and of the pig iron, \$276,743; thus exhibiting a diminution of the trade, upon a comparison of the six years with the one, of 69 per cent. in the first, 72 per cent. in the second, and 76 per cent. in the third article.

Of the various manufactures of iron paying specific duties, which, calculated ad valorem, ranged from 11 to 137 per cent., the value of the whole imports for the three quarters was \$282,038; equal to a rate per year of \$376,050. The importations of the various manufactures of iron paying ad valorem rates of duty ranging from 20 to 30 per cent., were valued at \$773,479; both classes of these imports amounting to \$1,055,517; being a rate per year of \$1,407,356. The average importations per year for the six years of all these manufactures of iron, was \$1,498,830—showing a diminution of the trade in these articles of but 6 per cent.

He was well aware that these comparisons did not form a perfect standard by which to judge of the influence of this law upon the foreign trade of the country. The imports of the fourth quarter of the last year may have been larger, in proportion, than were those of the three first quarters, upon which his calculations had been based; and to that extent, the results would vary from the fact. He believed the importations of the last quarter of that year were beyond the average; but he had them not, specifying the values of imports of each article, so that he could use the information. Then, the period he had taken for the comparison had been one of great unsteadiness in trade, as the aggregate importations for the several years had clearly shown. The first of these years, 1837, was that in the early part of which the great crash came upon the bloated credit system of the country, when all the banks suspended specie payment, and general disorder prevailed throughout all branches of business. Regularity and steadiness were not yet perfectly restored, since those extreme revulsions, and it was far beyond his power to tell what influence predominated over the trade of the country, for any single one of those years.

Still, he thought these results might be safely relied upon, as approximations towards accuracy, and as establishing, beyond the power of question, the prohibitory character of this law. As an additional mode, however, of testing the same point, he had made a tabular comparison between the importations

of 1842 and of 1843, taking the averages before used, calculated from the three first quarters, as the true importations of the latter year. He had preferred to make this comparison, because he was not aware of any other visible cause, than the legislation of Congress, materially to affect our trade in the latter year, which did not exist to the same degree, and in equal force, in the former. Both were years of serious depression in business and stagnation of trade; but he was not aware that, independent of the influence of legislation, the latter was more so than the former. At the commencement of the first year, the duties, upon all the articles he had examined, except raw and undressed hides and skins, were 20 per cent. ad valorem, by the provisions of the act of 1841; or near to, and approaching that point, under the operations of the compromise act; and at the commencement of the second, the present law took effect practically. His table included the articles he had examined above, and no others, and was as follows:

Name of articles.	Importations of 1842.	Importations of 1843.	Diminution.	Rate per cent.
Wool, costing more than 7 cents per lb. -	\$95,655	\$72,927	\$22,728	23
Cloths, &c., paying 40 per cent. duty -	4,517,864	1,963,175	2,554,689	56
All cotton manufactures -	9,578,515	3,945,061	5,633,454	58
Worsted -	2,967,977	770,770	2,187,198	73
Silks -	9,490,331	3,622,347	5,857,984	61
Carpetings -	292,309	242,413	49,896	17
Cotton bagging -	421,824	141,755	280,069	66
Glass -	558,609	155,740	402,769	72
Sugars -	6,503,563	3,376,824	3,126,739	48
Molasses -	1,942,575	1,513,093	429,482	22
Hemp, cordage, and sail duck -	949,808	927,428	22,380	2
Paper -	48,067	42,907	5,160	10
Leather -	912,585	316,289	596,296	65
Raw and undressed hides and skins -	4,067,816	3,104,095	953,721	23
Iron—				
Bars, &c., rolled -	2,033,453	631,709	1,371,744	66
" not rolled -	1,041,410	436,733	604,677	58
In pigs -	295,284	64,335	230,949	76
All other manufactures of	3,552,642	1,407,356	2,145,286	60

Here was the comparison, at one view, between the importations for 1842 and 1843, of the articles named, and the names of the articles; and the sums would show that they constituted a heavy proportion of all the dutiable imports, and the heaviest of what are denominated the protected articles. He had incorporated with these articles worsteds, silks, and raw and undressed hides and skins; for a double purpose; the first two to show the prohibitory action of the bill upon articles not of the protected class, and the last to show how much better the importations kept up when the duty was very light, and still what an effect was produced upon cheap heavy articles by a very light duty. These articles, compared with some of the others, would also show how much more severely heavy duties affected the trade in some articles than in others. Take the worsteds. The duty under the act of 1841 was 20 per cent., and the present law has raised it to 30 per cent. The trade has fallen off, in the single year, 73 per cent. Take the silks. They were at 20 per cent. under the act of 1841, and range from 16 to 65 per cent.; but average, upon the actual importations of the three quarters of 1843, only 32 per cent. Yet

the trade has fallen off 61 per cent. The duties upon woollens, cottons, iron, sugar, and other of the protected articles, are much higher—some of them more than double these rates—and yet the trade has fallen off less.

Still, the rate of diminution of the trade, upon the most of the articles named, whether the comparison with the one or the six years be taken, was most marked and severe, and could not fail to be alarming to the commercial interest.

These comparisons showed the futility, as a standard of judgment, in reference to the influence of any tariff law, of general averages of the duties upon all the dutiable imports, and much more of such an average upon all the imports, free and dutiable. Such comparisons are made to assume the more favorable appearance, the more prohibitory shall be the operation of the law under which they are made. Duties so high as to be entirely prohibitory are not comprehended at all in such calculations. To illustrate, by a strong example, suppose every duty imposed was raised to a rate of perfect prohibition, so that no dutiable article could be imported, and that all our foreign imports were free of duty: then such a comparison would show that our commerce was not taxed at all by duties, and yet the richest part of it would be destroyed by a prohibitory tariff. So take, of the articles above named, paper and undressed hides, and make an average of them, and it will show a very low rate of tax upon the combined importations, because the hides pay but 5 per cent. duty and the import amounts to millions, while paper is almost wholly prohibited—the whole imports being less than \$50,000 per year; and this, although paying duties varying from 16 to 97 per cent., consists of the articles of paper paying the lightest rates, and which can, therefore, come in.

Take the actual importations of the three first quarters of 1843, further to illustrate the fallacy of this standard of averages. "Appendix D, No. 2," before referred to, is a table of these imports, paying ad valorem duties under the present law. At the foot, the amount of imports will be found to be \$16,634,875, the amount of duties paid, \$4,153,636 13, equal to the average rate of 24.89 per cent.; not a very high rate of duty for many articles. The rates of these duties fixed by the law upon the articles named in this table, will be found to range from 1 to 50 per cent., these rates being the extremes of the ad valorem duties imposed by the law. Yet the articles before examined, which pay ad valorem duties, hides and skins excepted, comprise \$2,277,368 less than half this amount of importations, and pay \$113,850 51 more than half of the whole amount of these duties, averaging the rate of 36.11 per cent. This shows that an average of the ad valorem duties, by themselves, furnishes no standard by which to judge of the weight of the tax upon a large portion of the imports embraced in the calculation.

Take then "Appendix D, No. 3," which is a table of the actual importations, paying specific duties; and the amount of importations of this character will be found to be \$12,494,340, the duties actually paid upon them \$6,300,449.12, and the rate, calculated ad valorem, to equal 51.15 per cent. upon the whole. Here is an entire class of importations of more than \$12,000,000, paying duties to more than one half their entire value in our markets, at the time the duty is imposed. Yet average all these dutiable imports together, those which pay ad valorem, and those which pay specific duties, and what will be

the result? The entire amount is \$29,179,215, and the entire amount of duties paid is \$10,544,138 25, being only equal to 36.13 per cent., almost exactly the average before given for almost one half of the *ad valorem* importations. This is an exhibition of the average argument upon dutiable importations.

A single example of its application to the whole importations, free as well as dutiable, and he would leave this topic. The dutiable importations of the three quarters, as just stated above, amounted to \$29,179,215. The free importations, for the same period, amounted to \$35,574,584, as see "Appendix D, No. 1." These sums, together, make the whole importations of the three quarters, amount to \$64,753,799; and the whole amount of duties paid upon these importations was \$10,544,138 25; only equal to the rate *ad valorem* of 16.28 per cent. Here, then, would the gentlemen say, who rely upon these averages as a standard of judgment—here, is all the tax upon our trade, 16 per cent.; and can any reasonable man complain of that? And yet it is shown, upon the face of the very papers from which this average calculation is drawn, that one entire class of importations pay duties to more than half their value; that the whole dutiable importations pay an average rate of more than 36 per cent.; and that the trade, in large and important classes of articles, has fallen off 50, 60, 70, and more, per cent. in the first year's operation of the law; thus exhibiting a prohibitory power much more startling, than the high rates of duties paid.

These comparisons must show, to the satisfaction of every mind, that general averages are most deceptive guides, and that averages of the rate of duty, even upon any two articles of import, much more upon selected classes, may be made to convey the most erroneous impressions; and they must have led to the conclusion, which it was his object to establish, that the only useful or truthful comparisons were those which compared the duties paid upon each important article of import with the value of the importations of that article.

He had already alluded to his comparative examinations to show that different articles of import would bear very different rates of duty, with the same proportionate effect upon trade, and that the same rate, applied to all articles of import, would exhibit very different prohibitory effects, as between the different articles. He recalled this allusion now, for the mere purpose of deducing from it the position, that discrimination, as to the rates of duty, within the revenue principle, and revenue range of duties, as he had defined them, would be found not merely admissible, but absolutely necessary, both for the accumulation of revenue, and for the benefit of trade, even if no other considerations in favor of discrimination should be considered.

He had also alluded to these comparative examinations to show that the specific duties of the present law, as a general remark, and any system of specific duties so arranged, as well as the principle of minimums, must make the tax unequal and unjust; must bear the most heavily upon the most common and cheap article falling under a given duty, and therefore most heavily upon the poor and laboring classes. He was not prepared to say that, with perfect and minute information in all the manufacturing branches, a system of specific duties could not be arranged, which would be just and equal in this sense; but he was prepared to say that, with the information at present possessed by himself, and he believed by Congress as a body, or by any one

of its committees, such a system could not be proposed as would avoid this radical and fatal defect. He said fatal defect; for he held that to be so, in any legislation upon this subject, which taxed labor to the relief of capital, and imposed double the rate of duty upon poverty which was exacted from wealth. That was the effect of our specific duties. Take the cotton cloths. He who can purchase and wear qualities worth more than 20 or 30 cents by the square yard, pays a duty of 30 per cent., while he who must purchase and wear such qualities as can be purchased from 6 to 10 cents, must pay three times that duty. He could not better illustrate the practical operation of this description of tax, upon the laboring classes, than to borrow the illustration of a witness examined before a committee of the British Parliament, he believed in the year 1842. The witness said, if the coat of the man of capital was taxed too high, he had only to take a coat of an inferior quality, and procure it for the same money he had been accustomed to pay for his coat, though he would not have one quite so fine, if just as warm. Not so with the laborer. He wears the cheapest he can get, under any state of the taxation; and that coat he must have, be the tax what it may, because he cannot fall back upon an article of inferior quality, or less heavily taxed. This would not apply to our woollens, because, though taxed heavily, they were taxed equally, by a uniform *ad valorem* duty; but it did apply to the coarse cottons, and especially to the whole class of fustians, which were the peculiar clothing of the laboring classes of the cities and manufacturing districts.

He would now proceed to examine the influence of these high and prohibitory duties upon the great branches of industry of the country; and

First: Upon manufactures. The manufacturers themselves pray for stability in our legislation upon this subject. They say that their interests are best promoted by regularity and permanency, and that the fluctuations consequent upon changing legislation, are, almost, more injurious, than the protection they receive is beneficial, to their employments. This is to say, they want a moderate and reasonable system, not a prohibitory one; for they cannot but know that extremes in our rates of duty, be they too high, or too low, must themselves compel change. If too high, our commerce must be destroyed, and discontents thus engendered, or a surplus of revenue must be thrown into the public treasury, and a reduction of duties thus compelled; while, if too low, the necessities of that treasury will speedily force a change in an upward direction. It is the moderate, reasonable, revenue system alone, which can be stable. Based upon the wants of the treasury, and wisely and justly arranged, with reference to all the great interests of the country, there is no reason why, in times of peace, such a system should not be stable; because the wants of that treasury are not subject, at such periods, to material changes. The incidental protection afforded, by such a system, to one interest, and the incidental burden thrown upon another, would form no just subject of complaint to either. The tax would be necessary for the support of the government, and all would concede the justice and wisdom of so distributing the taxation, as to make it the least burdensome to all, as one entire whole. Not so when the tax is imposed for protection, and not for revenue. Then it is a burden imposed upon one interest, solely for the benefit of another; the supply of the

common treasury ceasing to be the regulator of the tax. Under such a system, contentment cannot be expected, or even hoped for; and, under a government resting upon the popular will, constant changes, and extreme fluctuations, must and will, be its fruit.

To the manufacturing interest, then, if stability be the most important element in its protection, the revenue arrangement of duties presents the most important and desirable system. It alone presents a national, instead of a sectional, basis for the arrangement of our duties upon imports; it alone presents an object—the supply of the national treasury—equally interesting to all, and equally controlling with all; it alone appeals to the whole public mind for approbation, and alone, therefore, can assure the promise of contentment and stability. It offers to this interest that degree of protection which the collection of revenue, for the support of the common government, will afford, and leaves the discriminations, within that limit, to the common legislature, but rejects prohibitions, destructive to itself, to favor any interest. Is this right? Is it best for all? If so, is it not the best system for the manufacturing interest itself?

He had, in the preceding remarks, treated the duty upon imports as a tax, and he had intended, by the term, a tax upon the consumer, in this country, of the article of import upon which the duty was imposed. He had not been unaware that this raised the question, who must pay this duty? This question he did not intend to avoid, nor did he intend to discuss it. He had heard too many discussions, upon legislation of this sort, not to know that this point presented an interminable field for argument. That broad field he had not the qualifications, even if he had the disposition, to enter; and his object, therefore, was rather to make one or two inquiries, to elicit information, than to controvert any position which had been, or which might be, taken in the course of the debate.

He would merely premise that it was claimed, in favor of the protection to the manufacturing interests of this country, which it was supposed to be the duty of Congress to extend, that the foreign producer, and not the domestic consumer, would be the real payer of our duty. That position he would assume to be the true one, and would illustrate his inquiry by taking a supposed case, based upon it.

He would suppose, for the sake of the illustration, that our trade, for the year 1842, was perfectly free of all duties upon imports; that A. B., a merchant of the city of New York, imported, during that year, 50,000 yards of woollen cloths, which cost him, delivered at the custom-house in New York, \$100,000. He sold these cloths in that market, during that year. In consequence of his low sales, the manufactures of woollens of this country came to Congress, and prayed a duty upon woollen cloths, to protect their interests; and Congress, considering their prayer reasonable and proper, and requiring a revenue from this importation, imposed a duty upon the importation of woollen cloths, of the year 1843, of 25 per cent. The same merchant goes to Liverpool, in the year 1843, and tells his English manufacturer, "I want the same quantity of cloth which I purchased of you last year; but I cannot pay you the same price for it, because my government has imposed a duty of 25-per cent. upon its value, which I must pay to its custom-house, before I can offer the cloth in my market. Last year, you gave me 50,000 yards for \$100,000, and the oper-

ation was a fair one in my trade; but, as I must pay, this year, \$25,000 in duties upon the same purchase, I cannot give you but \$75,000 for the 50,000 yards." The English manufacturer replies, "very well, sir, we cannot lose your market; and, if your government has taxed our cloths, as you say, we must assume the tax. We must let you have the same 50,000 yards of cloth for \$75,000 this year, which we sold to you last year for \$100,000." The merchant takes the cloth, pays the \$75,000, brings it to New York, pays his \$25,000 of duties at the custom house there, and offers his cloths in the same market as last year. How can he sell? The cost to him last year was \$100,000, paid to the foreign manufacturer. The cost, this year, is \$75,000 paid to the manufacturer, and \$25,000 paid to our custom-house, making \$100,000 in all; and can he not sell at the same prices as last year? Most certainly he can; and, in that case, what protection does the manufacturer of cloths in this country derive from the duty? Certainly none. If the foreign article can be brought here, and sold in our markets as cheap as before the duty, he derives no direct benefit from the tax. It is a diminution of the profits of the foreign manufacturer, or his loss, if you please; but the domestic manufacturer takes nothing by it, if the price of his product is not raised in our markets, or if the foreign competing product is not excluded. And in the supposed case, where the foreign producer pays the duty, beyond question neither of these consequences follow from it, as direct protection. It will not do, then, as a principle, to say that we can impose duties upon the foreign producer to protect our manufacturers, if commerce survives, and imports continue; because the case supposed demonstratively shows that, while the foreign producer pays the duty and sends the goods, the cost in our market, and to our consumer, is not enhanced, and that the market itself is as open to the foreigner as it was before the duty. In these cases there is no effective protection to the domestic manufacturer. Prohibition must take place, or the price must be raised in our markets, as effects of the duty, or our manufacturer derives no benefit from it.

He would make another illustration upon the other side of the argument. Take the same supposed case, except to assume that the consumer, in our country, pays the whole duty. Then the New York merchants pays the British manufacturer the \$100,000 for his cloth, as he did the previous year. In addition to this, he pays the \$25,000 duties at the New York custom-house, and places his cloths upon his shelves for sale at the cost of \$125,000, instead of \$100,000, as in the last year. The duty has raised the price in our markets to its extent, and the merchant finds ready purchasers at the enhanced price. Is our manufacturer then protected? What is to hinder that same British manufacturer from sending to New York as many cloths as he can sell? and how does the duty injure him? He is compelled to pay, at our custom-house, the \$25,000 of duties upon the \$100,000 worth of cloths; but as he sells for \$125,000, he can do this and still take his \$100,000 home with him, which was all he asked before the duty. At this price, then, there is no protection to the domestic manufacturer; but as soon as the price recedes from the \$125,000, for the supposed quality of cloths, he is protected, because the foreigner must pay the \$25,000 of duties, while he pays nothing. If both sell an equal lot of cloths for \$120,000, as the duty remains the same, the foreigner must pay \$25,000 of his purchase money to

the custom-house for duties, and gets but \$95,000 for his cloths; while the domestic manufacturer gets the whole \$120,000, no tax having been imposed upon his production. The protection is, therefore, an effective protection to him of 25 per cent., a part of the tax falling upon the foreign producer, and the remainder upon the domestic consumers.

Upon these illustrations, he wished to propound the following inquiries, to be answered by those who had studied this subject more deeply than himself. Did they not show, beyond the power of question, that while the foreigner would consent to pay the whole duty, his goods could be sold in our markets as cheap as before any duty was imposed; and that, although he might fill our treasury, there was no direct protection to the domestic manufacturer? That, upon the other side, if the whole duty fell upon the domestic consumer, and the price of the goods were raised in our markets to the extent of the duty, the foreigner could afford to send his goods here, pay our duty, and supply our market, as well as when there was no duty, thus presenting no effective protection, at this point? And did it not necessarily follow, from these two positions, that the effective protection to our manufacturer was only when the payment of the duty was divided between the foreign producer and the domestic consumer? and that the larger the share, less than the whole, which the market imposed upon the consumer, the better for his interest, because that was the government of his price, and the measure of his direct protection? Was it not true, that he had no other benefit from that portion of the duty paid by the foreign producer, than as it made our markets less desirable, and less profitable to him, because that went to depress the price here, and only that portion paid by the consumer was added to it?

Was not this a clear illustration of the protection afforded by a revenue duty? and did it not show that such protection was, and must be, effective, unless so light that the foreigner could afford to pay the whole of it, and thus keep exclusive possession of our markets? These appeared to him to be unavoidable conclusions from the reasoning, while the measure he had prescribed for revenue duties would seem to be such as to enable the legislature to keep the competition open and healthful upon both sides, without granting prohibition to one, and visiting exclusion upon the other, or giving monopoly to either.

He was aware that human wisdom, without practical experience, could not tell what was the extreme revenue point, as to any rate of duty, much less as to the arrangement of an entire tariff; but he believed an approximation could be made from the information already within our reach, which might be corrected, after the operations of trade should have pointed out its errors, without causing changes seriously detrimental to any interest. His examinations had satisfied him that a range of duties from 25 to 33 per cent. were as high as most articles of import would bear, consistently with the revenue principle. There might be exceptions, and he thought, if there were, that iron and sugar were the principal articles. These had, for a long time, under our legislation, borne very heavy duties, and continued to be largely imported, and to be very prolific of revenue. Still he thought the examinations he had made had conclusively shown that the rates of duty, under the present law, were too prohibitory upon these important articles for revenue duties. The trade in the former had fallen off, upon

an average, about 65 per cent., and in the latter 48 per cent., as compared with the year preceding the passage of that law. It might not be necessary to bring them down to the rates he had named to preserve the revenue principle, but he was satisfied that a material reduction was demanded for that purpose.

The rates he had moved were a quarter and a third of the value of the property to be taxed; and was not that taxation enough, as a general rule, for reasonable protection? Would not as large a share of that tax fall upon the consumers, the whole people of the country, as they ought to pay to sustain the manufacturing interest?

Second, upon commerce. The influence of high and prohibitory duties upon this great and essential interest cannot be otherwise than deeply injurious. They act directly upon trade, and tend to force it from its natural channels, and to diminish its volume and expansion; and, in that way, to the extent of their influence, strike at the life of commerce.

Stability is most essential to healthful commerce, and fluctuations interrupt its channels, increase its hazards, and render it fitful and sickly. Very high duties occasion extreme fluctuations, and prohibitory duties destroy trade, and put an end to commerce. The examinations he had made, and the results he had exhibited, of the influence of the present law upon trade—upon the importations—were an exhibition of its influence upon the commercial interest.

The imposition of all duties operated directly upon trade and commerce, and could not benefit either. Upon them the tax was more directly felt than upon any other interests; because by them the capital must be raised to first meet the payment, and upon them the whole influence was concentrated, whoever might eventually refund to them the duties paid. Still he did not believe that moderate, reasonable, stable duties, such as would be imposed within a wise and just revenue arrangement, would be severely oppressive upon the commercial interest, or would be seriously complained of by it. This interest should bear its share of the common burdens, and, fairly treated, it was as able, and he believed as willing, to bear it, as any other interest. It had a right, however, to claim exemption from the oppression of duties not required for revenue, and not imposed to collect it; and from prohibitions, which were its destruction. Under any stable, well and wisely arranged revenue system, it could bear the burden of collecting the revenue, which the country should require from customs, and could preserve health, activity, and vigor; but under a system of prohibitions, and strongly prohibitory duties, injurious both to revenue and trade, it must be sickly, fitful, feeble, and hazardous. Constant changes from extreme to extreme, and constant agitation, were no better for commerce—perhaps much worse. That system of duties which would produce general contentment with all interests, and could therefore be stable, was alone consistent with the prosperity of commerce; and that, he believed, would be found in a fair revenue system.

Third, upon agriculture. The influence of the present tariff law upon the agricultural interest was the most important consideration, because it is the basis of all the other interests, and, in our country, more important than all others. The great mass of our people are engaged in this interest, are dependent upon it for their subsistence and their comforts, and cannot fail to suffer from whatever is injurious

to it. Indeed, none of our other great interests can long flourish under any system from which it materially suffers. Its firm prosperity is indispensable to their continued health; and its languishment must soon be followed by their decline, in spite of the power of partial legislation.

The situation of our country most invites, and its true interests most require, the wide extension and firm advancement of this great interest. Our vast unsettled domain is an unproductive waste, no matter how naturally fertile the soil, until agricultural labor reaches and subdues it, and changes that waste into fruitful fields. Hence, the influence of our legislation of this character upon the interests of agriculture becomes doubly important, and has a national, as well as an individual, consequence, paramount to that which attaches to any other of the great interests.

Under this sense of the importance of the examination he was prosecuting, he hoped the Senate would bear with him while he made a detailed, and somewhat minute, inquiry into the influences of this legislation upon the products of agriculture.

He would take first the article of *wool*. This is an important production of agriculture, over a very large extent of the country, and a principal staple in several of the States. The extent and importance of the interest, as well as the great worth of the wool-growers as a class of our citizens, entitles this article to all the consideration and protecting care which Congress can justly give to any article, or any interest.

How, then, was the value of wool in this country, at the present time, compared with the value of similar qualities of the same article in other wool-growing countries? He did not refer to South America, Smyrna, and like regions, where the sheep was permitted to range uncontrolled and without care, and where the principal value given to the wool was the cost of taking the animal and cutting off the fleece; but to England, Spain, Saxony, and other countries, where wool-growing was made a business of careful cultivation. He could not answer the question he had asked, as applicable to the present time; but he held in his hand a volume of testimony, taken before the Committee on Manufactures of the House of Representatives, during the sessions of Congress of 1827-28, from which it appeared that wool of the same quality was, then, from 50 to 70 per cent. higher in this country than in England.

[Mr. WRIGHT here referred to the evidence, and read from the testimony of several witnesses to sustain his assertion.]

His examinations had established another fact, which was that Spain, Saxony, and all the other wool-growing countries of the continent of Europe, exported wool to England, showing that they produced the article cheaper than it was produced in England, and could afford to sell in the English markets. These importations it had not been, at any time, the policy of England to prohibit; and, for the benefit of her manufactures, they had usually been permitted entirely free, or at a very light duty.

Wool, then, was higher in our markets than in those of any other country where the article was cultivated, and where the finer and richer qualities were produced. What was now the difference between the prices of fine wools in our markets and in those of England, he did not know; but he did not suppose it was anything like as much as the witnesses referred to had stated it to be in 1828. Indeed, he doubted, at that time, whether the wit-

nesses had not made a high estimate of that difference; because it appeared to him that importations would have been greater if the difference in price had remained, for any considerable period, as great as they supposed it to be.

Be that as it may, his object in making these references, and stating these facts, was to inquire whether any senator supposed we could, by our legislation, maintain wool at a valuation in this country from 50 to 70 per cent. above that of all other wool-growing countries; and whether any senator believed we ought to do that, if we could do it? He did not think we should do this, if we could; because, if we gave wool that artificial value above the markets of the world, we must give the same increased value to woollen cloths, and other manufactures of wool, or otherwise we should make the destruction of its manufacture in the country certain; and there would be no market, and no price for our wool but the exporting price; and if we must add from 50 to 70 per cent. to the cost of all the manufactures of wool, beyond what they might be purchased for abroad, merely to keep the price of wool in this country up to this high mark, he thought the tax would be too heavy for the object; because all must wear woollen goods, while few, in the comparison, would grow wool. He did not, however, think we could accomplish this object, if we should try to do it. There was no portion of the stock of the farmer which could be so easily and so rapidly increased as his flocks of sheep, and with so little outlay of capital; and there was scarcely an improved county in the whole Union where sheep could not be well and easily grown. If, therefore, we should give to this branch of agricultural industry this great advantage, and these exorbitant profits, how very soon would domestic competition overstock the market, and bring down the price? It was impossible, in a country like this, by the power of legislation, or by any other power, to maintain any one branch of human industry in the possession and enjoyment of such an advantage. It was fortunate that it was so; or otherwise, the temptations to unjust and partial legislation would be too fearful, and the oppressions from it might become wholly insupportable.

He was willing to extend to the American wool-grower such fair and reasonable protection as our necessities for revenue would warrant—say 30 per cent.; and was not that reasonable protection to our farmers, who choose the business of wool-growing? Was not \$30 in every \$100 a reasonable advantage, compared with those engaged in other branches of farming, who could not be protected at all? Was it not as high a tax for their benefit as the public would be contented to bear? Was it not as strong encouragement as the business would warrant, without inviting so many to it as to overstock our markets, and render the protection useless—for all would see that, when they should be compelled to seek an export market, our duty would not aid them. He was compelled to say he thought this degree of protection would better promote the interests of our wool-growers than a higher, or more prohibitory duty; because it would be stable, the revenue being necessary; and because, admitting a moderate foreign competition at the great disadvantage of \$30 in the \$100, it would not invite that flood of domestic competition, which perfect prohibition would be almost certain to bring upon them, and the consequent extreme fluctuation which over competition never fails to produce. He believed our wool-

growers would be satisfied with this degree of protection, if the taxes upon the articles they were compelled to purchase and consume were proportionately reduced.

Hemp. This is another agricultural production within the reach of protection, or which has been hitherto so considered. Yet it would be seen that the present duty upon this article, upon the actual importations for the three quarters of 1843, was only equal to an ad valorem rate of 32 per cent., and if put, therefore, at 30 per cent., the reduction could not be material. The present duties upon some of the manufactures of hemp were enormous, while others were low revenue duties. The duties actually paid upon untarred cordage and yarn were 174 and 199 per cent., while those paid upon sail duck were but 22 per cent. These were inequalities for which there could be no reason, connected with a proper protection to the agricultural production.

He was not acquainted with this branch of agriculture, but he had understood that the difficulty did not arise in the growing of hemp; that our soils were as rich and suitable, and produced the crop as easily and abundantly, as those of any other country; but that we either did not possess the skill, or were not willing to use it, because it was injurious to health, properly to rot the hemp for exposed uses. Our hemp-growers practised the dew-rotting, while the water-rotting was said to be indispensable for durability, when put to exposed uses, such as sails, cordage, and the like. He did not suppose any one expected, by any degree of protection, to force our dew-rotted hemp to these uses; and he had never been able to perceive how any duty we might impose was to give us the skill, if we have it not, to water-rot our hemp; or, if we have the skill, and will not use it, because the process is an unhealthy one, how an increase of duty was to change that disposition. He had never understood that the question was one of expense, and, for that reason, requiring protection; and he was happy to learn that some experiments had been recently made to export hemp from this country, with some promise of success. In any way, therefore, in which he had been able to view the interests of agriculture, as connected with this product, he was forced to consider a duty of 30 per cent. a sufficient protection, and he thought the hemp-growers would so consider it.

Sugar. This is an agricultural production, which has grown into importance in our country, within a few years, comparatively speaking; and yet it has already become the great staple of one section, and the cultivation and production are rapidly increasing. He was wholly unacquainted with this branch of agriculture, and could not, therefore, form any opinion as to the extent of protection required for it. The article was one which had been very heavily taxed, under almost all our tariff laws; formerly, much more as a rich source of revenue, than from any object of protection to the domestic production. It had proved to be an article which would bear a higher rate of revenue duty than almost any other considerable article of import in our whole list. The duty imposed under the present law is much less than that under the tariff of 1816, or any intermediate law, other than the gradual reductions under the compromise act; and yet the rates, as had been seen, were from 67 to 101 per cent. under this law. It would be also observed that the falling off in the trade, in this article, upon a comparison with the six years, had been

55 per cent.; and with the single year 1842, but 48 per cent.; much less, in both cases, than most of the other articles subject to such extreme rates of duty. These facts were referred to for the purpose of showing that the article would bear a very high revenue duty, and he did not doubt that all the protection required, and certainly all which it would be reasonable to impose upon an article of such universal consumption, could be afforded without a violation of the revenue principle.

Of the principal agricultural staples of this country, the three named were all which had occurred to him as asking protection, or being within its reach. Of all our other great staples, we are exporters, and not importers; and the markets of other countries, the open market, of the world, are our markets for these products, and must govern our prices. Protection, therefore, by impost duties imposed by us, was wholly illusory and useless. Any duty imposed by us upon the foreign articles in our markets could not raise the price of our articles in a foreign market.

Take the article of *flour*. This is an important product of agriculture over a very large portion of the Union; and, of it, the country exports largely. He was aware that a high duty was imposed upon the importation of foreign wheat, and flour, by the present law; but did that duty benefit the wheat-grower? Where was his price made? Certainly in our commercial and exporting cities. There the surplus of our wheat must go, and did go, to find its market; and there the market price was established, which governed the sales throughout the country. What controlled the price in those cities? Supply and demand, which control the price of every thing in every market. What demand? The whole demand for flour, no matter whether to be consumed at home, or to be exported. All purchasers in the same market pay the same price, without reference to the purpose for which they buy. There is always, as a general rule, a surplus of flour in our commercial markets, beyond the demand for domestic consumption; that surplus must seek a foreign market, and the price it will command for exportation controls the price of the whole mass. Our duty, therefore, was wholly inoperative, and could not exert the slightest influence upon the price of flour, thus controlled, even in our own markets. Flour, then, could not be protected, because we export flour, and the open markets of the world are our markets, and must control our prices.

The argument in favor of the prohibitory system upon manufactured articles was, that, by forcing a larger proportion of our laborers into manufacturing employments, we should withdraw them from agriculture, and thus diminish its productions, while they would become consumers, instead of producers of its products, and thus the agricultural interest would receive a double benefit from the policy. He should, by-and-by, have occasion to inquire how far labor was likely to be benefited by a policy which was designed and calculated to make dear bread. But, passing that consideration for the present, he would examine this argument as applicable to the profits of grain-growing as an agricultural pursuit. In just so far as the manufacturing employments of this country increase the general demand, in the markets of the world, to precisely that extent is the wheat grower benefited by the policy, in the single article of the sale of his wheat. Beyond that, this effect cannot be experienced, so

long as our wheat and flour market, is an exporting market. If the policy could be carried so far as to force a sufficient portion of our labors to manufactures to consume all our flour, and leave no surplus for exportation, then might the wheat of our farmer come within the reach of protection; because, then, a prohibitory duty upon foreign wheat would give him the monopoly of our markets, and enable him to control the price in them. Until that state of things could be produced, our wheat and flour could not be benefited by an impost duty. So long as we were exporters, and foreign markets were our markets for these articles, the price of the wheat of our farmer could not be benefited by our duty. The increased home demand would benefit him so far as it should affect the price of his wheat in the export market, no farther; and beyond that he could derive no benefit, while our country should export wheat.

Did any senator hope to see the time when this country would not export breadstuffs? He did not hope to see that time. He thought the masses of the people of this country would find speedy cause to regret such a period, if it should ever occur. They would be likely to find that a monopoly of bread was anything but a protection to their comforts.

The articles of *beef, pork, butter, and cheese*, agricultural productions of the North and West, stand in the same relation to this policy with wheat and flour. They are great staples of these sections of the Union, and they are all articles of export. Their market is the market of the world, and the prices they command are measured by the wants of the world, not merely of our Union. Import duties upon all these articles are dead letters upon the statute book, so far as the interests of our farmers are concerned. They afford no revenue to the public treasury to lighten his taxes, and add nothing to the price of his products. He spoke comparatively. There were imports under all these heads, but not of that character which conflicted with the farmer's market. Delicacies, luxuries, bearing these general names, were imported in very small quantities, for the uses of those who regarded their appetites more than their pockets. Take the article of cheese as an example. The value of the importations, for the three quarters of 1843, was \$3,850, the quantity being 30,033 pounds. This showed a foreign cost of more than 12½ cents per pound, and the duty was 9 cents per pound, bringing the article, to the consumer, up to a price probably not less than 25 cents per pound, while the market cheese of this country commanded about 5 cents per pound in our largest commercial markets. So with wheat. Choice seed wheat was occasionally imported, which gave the article a place upon the list of imports, while the quantity brought into the country did not, in the least, affect the market price of the wheat of our farmer. So with the other articles named.

The manufacturers were spoken of as furnishing valuable markets to the farmer for these articles of his produce. Where did the manufacturers purchase their supplies? In the great commercial markets, where they sell their manufactured goods. By what price did they purchase? By the same which others paid in the same markets. New York and Boston are the great exporting markets for the flour of this country. Did any one ever think of going to Lowell, the largest manufacturing village in the country, to learn the market price of flour? Certainly not; but the manufacturer of Lowell goes to the Boston or New York market, both to learn

that fact, and to purchase the flour for the consumption of his factory; and when there, he purchases for the same price which the merchant pays, who purchases to export to England, France, South America, or any other foreign market. The former gets no more from the manufacturer than from the exporting merchant. So with all other like articles of supply for the manufacturing establishments.

It was undoubtedly true that these establishments opened a limited retail trade to the farmers in their immediate vicinage, for fresh provisions and temporary supplies, which was both convenient and lucrative; but this was a benefit too narrowly circumscribed to be taken into the account, when discussing the great and general interest of agriculture throughout this wide country.

Cotton, rice and tobacco, were great agricultural staples of the southern and southwestern States, which were also compelled to seek foreign markets, and were, therefore, beyond the reach of protection from import duties. Of these articles, the cotton was by far the most important, as it was much the most important article of export from our country. He believed the estimates were that about one-fifth of the ordinary annual crop was consumed at home; the remaining three-fourths being, of course, compelled to seek a foreign market. What proportions of the tobacco and rice found a home market, and what proportions were exported, he was unable to say. It was enough that the interests of all these branches of agriculture were in much better and abler hands than his here; and in those hands he should cheerfully leave them.

Not to go further in this examination of agricultural productions, here were eleven principal articles, three only of which could be materially and practically benefited by protecting duties; and it was for the wisdom and the justice of Congress to decide how far the great public and private interests of all would be consulted by taxing the eight for the benefit of the three, beyond that degree of taxation which a supply of the public treasury should demand, and the proper rates of duties for raising revenue should warrant.

If such were the relative advantages and burdens, flowing to the manufacturing, commercial, and agricultural interests, from the prohibitory system of duties, what were the relative claims of these several interests to the favors and bounties of the government, growing out of the actual profits of capital now invested in them respectively? Upon this point he pretended to no extent or accuracy of information; and his object was to throw out the crude impressions he had imbibed, rather to elicit information from others, than under any expectation of communicating information himself.

In agriculture the great mass of the capital of the country is employed; and what does it yield, in net annual proceeds? The senator from South Carolina [Mr. McDUFFIE] had said he did not believe the net profits of the planters of his State exceeded, upon the average, 5 per cent. upon the capital invested. He was surprised, at the time, to hear the gentleman make so high an estimate. He had reflected much upon the subject, and taken some pains to make inquiries from others, and he did not believe that the net profits of the capital invested, upon a fair appraised value of the property in the market, in any agricultural county in his State, taking an average of years, would exceed 3 per cent., and he should not feel surprised to know that it did not exceed 2 per cent. He knew that the moderate but

independent farmers of his section of the Union, worth from \$3,000 to \$8,000, and \$10,000, as industrious and frugal as any class of the citizens of this country were, or could be, who could pay off their expenses and lay up from \$100 to \$300, at the close of the year, not counting the labor of themselves and their families upon the one side, or their living upon the other, considered themselves as doing well. The investments of capital were more secure in this branch of industry, and to that extent should yield less returns. He did not doubt that many would think him wild in the judgment he had pronounced, and perhaps he was; but if gentlemen would institute careful inquiries, he had no doubt they would be surprised at the very moderate profits derived from the capital employed in agriculture, as a general average for the country.

In commerce the case was very different. Here the hazards were extreme, and success usually brought extreme profits. There appeared to be an attraction in this pursuit, growing out of the very hazards which surrounded it. Vast fortunes were, sometimes, suddenly accumulated, and, like the lotteries, men were prone to look at the prizes, not at the blanks which were drawn. Still he very much doubted whether, as a whole, the net profits of the capital invested were not less in this than in either of the other great divisions of business. He had often thought that, were any branch of human industry presented, however lucrative the compensation promised, where the hazards to life and health were seen to be as great as are the hazards which attend the employment of capital in commerce, and where so many wrecks could be seen along its shore, no human being would be found to engage in it. He had heard calculations of the rate per cent. of commercial men who fail in business, and it was fearfully great, though his memory would not permit him to state, with confidence, what the rate was.

How, then, was it in the manufacturing and mechanical branches of industry? Here, more than in the other branches, forecast and calculation can be employed. The agriculturist must take the chances of the seasons, the merchant the perils of the seas, and both the changes of the markets; while the latter is the only hazard of the manufacturer and mechanic, whose employments do not rest upon artificial and changing legislation. He could speak from an acquaintance somewhat extensive as to the mechanics of the country as a class of citizens; and where industry and prudence were carefully observed, no class of men in our country were more certain to reach comfortable independence. Among the most useful, independent, and respectable citizens, wherever he had enjoyed a personal acquaintance, he had always found the mechanics, as a class, holding a very prominent place. Hence he had been led to believe that the profits of capital and the fruits of industry in their employments were as good as in any others he had known, as a general remark.

With the large manufacturing establishments he had scarcely any acquaintance. He must speak of them, therefore, from report, and he should do so principally from what had been said of the profits of their capital, in the course of this debate. And what had been said upon this point? Their dividends had been spoken of as ranging from 6, 7, 14 and 20 per cent. up to 30 and 40 per cent. per annum. These latter rates, he was compelled to suppose, must be somewhat exaggerated. He had,

however, been informed, from sources upon which he placed strong reliance, that some of the establishments engaged both in the cotton and the woollen manufacture, were able to divide to their stockholders 7 per cent. upon their capital stock, half-yearly, and to accumulate a surplus amply sufficient to cover all contingent losses. This was too much for interests sustained by the universal taxation of all other branches of industry. If this was so, it proved conclusively, to his mind, that the present prohibitory duties should be modified, and fair revenue duties substituted, that a healthful competition might moderate these profits, by a reduction of the prices of the manufactured articles to the consumers. This was far beyond the profits of capital in other branches of industry, and too much to be sustained by burdens imposed upon them.

[Here Mr. WRIGHT gave way to a motion that the Senate adjourn.]

TUESDAY, April 23, 1844.

Mr. WRIGHT said, when addressing the Senate, upon a former day, he had closed what he had proposed to say of the influence of prohibitory duties upon capital, and the three great divisions of industry in which capital is employed. He did not propose now to recapitulate at all, but to complete the task he had assigned to himself with as little further consumption of the time of the Senate as possible.

It remained for him to consider the influence of the system of prohibitions, and prohibitory duties, upon labor as a distinct interest; the labor of those operatives, in all the great departments of industry, which is compensated by stipulated wages, and has no other or further interest in the capital which employs it, or in the profits or losses arising from the employment of that capital.

This division of the subject, and the careful consideration of this head, was rendered more appropriate and important because the advocates of the system of high and prohibitory duties place its defence and justification mainly—nay, he might say almost exclusively—upon the ground of protection to this labor. To give it more constant and more profitable employment was their great avowed object; and some of the most earnest of those advocates, in this debate, had gone so far as to say that, if this ground could not be sustained, the system itself could not be defended and justified.

This avowed object was a worthy one. No great interest in any country more justly demanded or deserved the watchful regard of legislators than this labor, and no member of this body felt more earnestly anxious than he did to shape all our legislation so as to bring the fewest burdens upon, and the greatest benefits to it. Under the influence of this disposition, he should enter upon the examination of what he thought were, and must be, the influences of such a policy upon this description of labor in our country.

One position could not fail to be admitted. If the high duties raise the price of the necessities of life to our laborer, the cost of his food, his clothing, and his comforts, to that extent they are a tax upon him, and lay him under the necessity of having more constant employment, or higher wages, or both, to meet the increased expenses of his living. And this consequence must attach to him in whichever of the great branches of industry he may be employed. The tax he must pay upon these neces-

aries must be equal, whether he be engaged in manufactures, commerce, or agriculture.

While the high duties remain, and are effective to raise the price and extend the market for manufactured articles, those engaged in the manufacturing branches of industry may be able to employ more labor, and to pay better prices, in consequence of the duties; but it has been already shown that duties, imposed for protection and not for revenue, never have been, and never can be, sustained at a stable point; that, as soon as they shall have the effect to give artificial values to the protected articles, the burden of the tax will be felt by all other interests, the disproportionate profits to the protected interests will be seen, discontents will be engendered, and the duties will be reduced. This will suspend employment at the high rates of wages, and the laborer will be thrown wholly out of employment.

Again: If too prohibitory, commerce will be destroyed, the collection of revenue defeated, and a reduction of the duties back to the revenue point will become compulsory. This will have the same effect to render the employment of the laborer inconstant and fiftful, as well as to unsettle the rate of his wages. And if these two almost unavoidable consequences do not follow, the increased profits, arising from the artificial values given to the products, will produce domestic competition, break down the monopoly, reduce the business to the level of other pursuits, and thus destroy the effect of the duties upon the wages of labor. In either of these events, the influence upon the wages of the laborer must be temporary, and the consequence of the temporary increase of his compensation must be inconstant employment, at any rate of compensation.

In this aspect of the case it is important to examine the nature of the connection between this labor and the capital which employs it, in the manufacturing branches. And it should be premised, that, in any state of duties, any advance in the rates of wages will only be a consequence of an advance in the products of that labor, and so far from keeping pace with the latter, be the enhancement of the value of the products what it may, the only increase in the compensation to labor will be what is required to command the requisite amount of it from the other great branches of industry. If the goods of the manufacturer should be doubled in value, it by no means follows that he would double the wages of the labor he employs. That would depend upon the rates of wages which his agricultural and commercial neighbors were able to pay, and the rate of wages he would establish would only be such as to take from them the labor he should require. An advance of 5 per cent. would effect this object, and he certainly would not go beyond its accomplishment. This principle is not only true when applied to labor employed in manufacturing, but is equally applicable to the wages of labor in all the pursuits of industry. No capitalist, whatever may be his employment, pays more for labor than will command such as he requires, be the profits of his business what they may. If the wheat of the farmer, or his wool, or his beef, double in value, he does not, in consequence, double the wages of his laborers. If the adventure of the merchant double his capital invested, he does not, in consequence, double the wages of his sailors and cartmen. A permanent advance in products generally usually draws after it an advance in the wages of labor, but always as a consequence; the labor is the last to advance, and, when the enhancement of the value of products is

extreme, labor never keeps pace with them. The ordinary wages of the able-bodied day laborer of the North, in the hay and harvest season, is \$1, in money, or one bushel of wheat; but let wheat advance to \$2.50 per bushel, as it sometimes does, and the wages of the laborer may be \$1.50, never more, and more likely \$1.25. The operation of this rule is universal.

Let the usual revulsion come, after one of these periods of high prices, as it always must come, and what is the effect upon labor? Employment, at any rate of wages, almost ceases. The farmer and the merchant curtail their operations within the narrowest possible limits; and the manufacturer closes his factory, and stops altogether. This compels the laborer, at once, to work for any rate of wages he can get, when any employment at all is offered. Such are the fruits of extreme fluctuations upon labor; and it had been seen that fluctuations must be a consequence of high and prohibitory duties, and a consequent artificial standard of value, in any branch of industry.

Again, the manufacturer can make his business the subject of very accurate estimate and calculation; and hence he is able to establish the rates of his laborers' wages so as, with a very great degree of certainty, to protect himself from loss. He is about to make a certain quantity of a certain description of goods, say cotton or woollen cloths. He can tell precisely what the materials will cost him, how long it will take his mills to work them up, what will be the ordinary wear and tear of his machinery, what his allowance for accidents, what the interest upon his capital, and, from the prices current of the day, what the cloths will sell for in the market. He knows, then, what he can afford to pay for the labor, his only risk being a change in the market, before his cloths can be placed there. Will he exceed in his rates of wages what he thus ascertains he can afford to pay? Never. He will sooner close his mills, and let his capital remain idle. Will he pay for his labor all which this calculation shows him he can afford to pay? That does not follow, if that be more than will command from others the labor he wants. Hence, in this branch of industry, the laborer must work for the ordinary rate of wages, be the profits of the manufacturer what they may; while, if prices are low, he must work for what the manufacturer can afford to give without loss to himself, or the factory is closed, and he finds no employment there at all. In other words, the profits upon his capital are the whole object of the proprietor of the manufactory; and he will not work it to his own loss, knowing it to be so. If, therefore, fluctuations come, which he can foresee—if prices fall below a healthful line,—the weight is thrown from himself on to the shoulders of the laborer, and he must bear the loss in a reduction of his compensation, or he must be thrown out of employment altogether.

Another consideration, he supposed, must materially affect manufacturing labor. He was not personally acquainted with the subject, but he supposed that labor was rendered more dependent than labor in the other branches of industry, because the laborer, by long employment in a manufacturing establishment, was, to a great extent, unfitted to perform profitable labor in any other calling. Was this not so as to the great body of manufacturing laborers? and did not, therefore, the sudden closing of the factories, and the entire arrest of their employment, reduce them to peculiar dependence, unknown

to any other classes of laborers in our country? Such were his impressions, and if they were well founded, they would show the great power which the manufacturing capitalist must hold over the employment, and, by necessary consequence, over the living, the comforts, and the independence of the manufacturing laborer. Was it wise or politic, in reference to the labor of this country, to endeavor to shape our laws so as force it into these dependent situations, from the more free, and equally comfortable and respectable employments of agriculture and commerce? He could not think so.

He had admitted that, while the high duties should be effective to the manufacturing interest, it could afford to make a better compensation to labor, although the rates of compensation, so artificially improved, as well as the entire labor under the system, must thereby be rendered unstable, fluctuating, fitful, and uncertain; yet how would the same system of duties and prohibitions affect the commercial branch of our industry? He had before attempted, and he believed successfully, to show that this whole policy must be a direct burden upon commerce. Upon this interest it was that the tax was directly felt. Here the capital must be raised to pay the duties. Here the hazards of the markets, at the enhanced prices, must be encountered. And can this great branch of industry make better and higher compensation for its labor under such a system? Palpably not; and yet its labor is equally taxed, and equally demands increased compensation. Suppose the duties are prohibitory. To that extent commerce is destroyed, and the call for labor, to carry on its operations is also destroyed. Its whole operations, too, under such a system, must be unsteady, uncertain, changeable, and fluctuating; and so must be its demand for labor, and its ability to compensate it; and yet its labor, under all these disadvantages, must bear its full share of the burdens of the system. Its food, and clothing, and comforts, must bear the same taxation with the other branches of labor, and be injured in the rate of its compensation, in the steadiness of its employment, and in the extent of the demand upon which it relies. Need he say more to prove that moderate, reasonable, stable revenue duties were infinitely more advantageous to the labor employed in commerce, than a system of prohibitions even intended to protect labor?

How was it, then, with the labor employed in agriculture? The wool grower, while the protective duties shall have the effect to raise the price of his wool, may be able more fully to compensate the labor he is called upon to employ; but what is his demand for labor? Nothing like that of the man who tills the soil, and makes grain-growing his business. Upon this point he spoke with some confidence, as he believed he possessed accurate personal information. That portion of the country in which he had resided from infancy to manhood was then a grain-growing, and is now a wool-growing district. The consequence had been a vast change in the hired labor employed by the farmers. Their hay-cutting season was now the only one in which the demand for labor was extensive, most of the farmers intending to tend their flocks of sheep, and manage their limited tillage, with small additions to the labor of their own families; and the mass of the labor of their hay fields was now performed by transient laborers from the neighboring British province of Canada. The rate of wages was high, but the employment

very temporary; and in consequence that class of native laborers which, when he was a boy, had depended upon employment from those farmers, was not now found there. They had gone west, to the grain-growing sections.

The hemp and sugar growers of the southwest might require the same, or even more labor, in consequence of their protection; and might also be able to pay better prices, so long as the duties should have the effect to enhance the value of their products in the market. Of these agricultural employments he could not speak from personal acquaintance, and he was therefore disposed to indulge the most favorable presumptions in regard to the labor employed in them.

What was the influence upon the labor employed in tillage, in raising the wheat, and other grains of the North and West, and in making the beef, pork, butter, and cheese, of those sections, and in cultivating the cotton, rice, and tobacco of the South? They would require the same labor in proportion to their productions. Their labor is equally taxed with that in the other branches; and their own clothing and other necessities and comforts, save the provisions which they produce, bear the same burdens with those consumed by their fellow-citizens in other employments. Will the system of high and prohibitory duties enable them to pay more for their labor? It has been seen that their products must seek the open markets of the world, and that our duties cannot affect their price. If the duties shall be so high as to break up, or materially interrupt the exchanges of commerce, to that extent their markets must be injured and the value of their products depressed. How, then, can they afford to pay higher wages for labor, under such a system, than under one of stable revenue duties, which leaves their markets open, commerce healthy, and themselves and their labor but moderately taxed, and that to supply the national treasury, which they must, in some form, contribute to supply? They cannot. They cannot, so well afford to compensate labor for its toil; and yet these employments are the great resource of at least nine-tenths of the labor of this whole country.

Entertaining, most deeply, these impressions in relation to the influences of the prohibitory system of duties upon the labor of this country, he had expended a good deal of time and research to inform himself as to the results of a like policy upon this great and vital interest in countries where the system was much older, and had been much more rigidly enforced, than as yet with us. One natural and necessary consequence of the system had appeared to him to be to increase the power of capital over labor, by forcing it into artificial channels, and thus increasing its dependence; to increase the profits of capital at the expense of labor, and finally to give to the former a monopoly to impoverish and oppress the latter.

As England is the country to which we are most usually referred for lessons of wisdom upon this subject, and the British government is the one which claims and receives the credit of having most perfectly protected its domestic interests, and especially its labor, he had referred to British history to satisfy his inquiries upon this point. The examination had been a tedious one, and briefly and imperfectly as he intended to exhibit it to the Senate he should be compelled to be tedious in the performance of that task.

And, first, as to wool. The export of wool from

Great Britain was prohibited by law from 1660 down to 1825, while the article was permitted to be imported free of duty down to the year 1802. Here the agricultural interest was made subservient to the manufacturing, by the strongest provisions of law. The British wool grower was compelled to sell his wool in the markets of his own country, and all the world were at liberty to compete with him there upon equal terms. In 1802, a very light revenue duty of 2s. 3d. sterling per cwt. was imposed upon imported wool, which was raised, in 1813, to 6s. 8d., and in 1819 to 56s., equal to 6d. per pound. This high duty was continued but for a short period; when, to favor the manufacture, the import duty was brought back to 1 farthing per pound upon wool costing 1s. sterling per pound or under, and 1d. per pound upon all other wool, where it now remains.

In 1337 Parliament passed a law "prohibiting the wear of any cloth made beyond sea, and interdicting the export of English wool."

In 1525 the manufacture of wool was domestic, and pretty equally distributed over the kingdom.

In 1533 a law was passed reciting "that the city of York afore this time had been upholden principally by making and weaving of coverlets, and the poor thereof daily set on work in spinning, carding, dyeing, weaving, &c.," that the manufacture, having spread into other parts, was "thereby debased and discredited;" and enacting, as a remedy for this evil, that henceforth "none shall make coverlets in Yorkshire but inhabitants of the city of York."

At about the same time an act was passed to restrain the manufacture in Worcestershire to the town of Worcester and four other towns.

Here was protection to the woollen manufacture, carried not merely to the prohibition of all imports of woollen goods, and the wear within the realm of all cloths made beyond sea, but to the prohibition of the manufacture, in certain branches, by any of the inhabitants of the country, except in certain specified towns; in other words, protection by law against domestic as well as foreign competition.

In 1677 a law was passed declaring upon its face that it was for the encouragement of the woollen manufacture, which required that all persons should be buried in woollen shrouds, and that the coffins should be lined with woollen cloth, if lined with cloth at all. Heavy penalties were imposed for any violation of this act, which went to the clergyman of the parish, whose duty it was made to prosecute for the penalties when incurred; and he was to read the act to his congregation on a specified Sabbath in each year. This law the historian says was enforced, and remained a statute of the realm for more than one hundred and thirty years.

As early as the year 1700, manufactures of wool were exported from Great Britain to the amount of more than £3,000,000 sterling per annum. In 1787 the average exports were about three and a half millions, up to, and until after, which date all importations were entirely prohibited. In 1819 importations were permitted at a duty of 50 per cent.; which duty was subsequently reduced, and in 1834, was but 15 per cent. upon goods not made up, and 20 per cent. upon those made up, or partly so.

In 1835 the entire manufactures of wool in the kingdom were valued at £21,000,000, a little less than one-third of which were exported.

This brief sketch would show with what minuteness and rigid care this interest had received legislative protection in England, and how readily and perfectly even the agricultural interest was subjected to

its advancement; and under that government, where the will of Parliament is the constitution and the only limit of power, they were not compelled to resort to prohibitory duties to reach such an object, but prohibitions in terms, as well of exportations as of importations, were readily and freely resorted to, when thought to be more efficient.

The duty upon bar iron, in 1787, was £2 16s 2d per ton, and upon iron in pigs 27½ per cent.; but iron castings and manufactures of iron were prohibited. At this period, the exports of iron were very small, only some eleven or twelve thousand tons per year. In 1819, the duty upon bar iron had been raised to £6 10 0, and upon iron in pigs to 17s 6d, while the importation of iron castings was permitted at a duty of 20 per cent., and wrought iron and the manufactures of iron at 50 per cent. In 1834 the duty upon bar iron had been reduced to £1 10 0, upon iron in pigs to 10s, upon castings to 10 per cent., and upon wrought iron and the manufactures to 20 per cent. In this year, the exports of iron were 145,000 tons, and in 1838, 255,317 tons. The substitution of pit for wood coal, about a century ago, gave a wonderful impetus to this manufacture in Great Britain, and reduced the price of iron one-half in a comparatively short period.

The manufacture of cottons to any considerable extent, in Great Britain, is comparatively of recent origin. It is supposed to have existed to some extent in the early part of the seventeenth century; but down to a period as late as 1773, cotton was only used for filling upon a linen warp. This manufacture was also at first domestic, and very generally scattered over the country. The weavers purchased their linen warp of the Irish, their cotton wool in their own markets, and from these materials made their cloth in their own houses, and sold it where they could find purchasers. About 1760, the merchants of Manchester commenced to purchase the warp and cotton, and send agents into the country to hire the weavers to manufacture cloth for them. At this time the whole value of the manufacture in the kingdom was but £200,000 per annum. In 1767 Hargrave invented the *spinning jenny*, and soon after Arkwright invented the *spinning frame*. About 1785 Compton invented the *mule jenny*, and Cartwright the *power loom*. After these improvements the manufacture extended itself with unexampled rapidity, although this has never been an interest so peculiarly favored by British legislation as the woollens interest. At an early period this branch of manufacture was directly discouraged, and almost prohibited by law. In 1721 a law was passed imposing a penalty of £5 upon the weaver, and £20 upon any person who should sell a piece of cotton calico within the realm. This was to protect the woollen and linen manufactures; and fifteen years after this time, this legislation was so modified that calicoes manufactured in Great Britain were permitted to be worn, "provided the warp thereof was entirely of linen yarn."

At this early period importations of cotton wool were permitted free of duty; and as early as 1787, the manufactures were protected by an import duty of from 44 to 50 per cent. In 1819, these duties had been raised to 50 and 67½ per cent.; and in 1834, they had been reduced to 10 and 20 per cent.

Nothing could exhibit more forcibly the advance of the cotton manufacture in Great Britain, or of the production of cotton wool in this country, than a brief reference to our exports of that article to that country. In 1791, the first cotton wool was

imported into England from the United States, and the quantity was 189,316 pounds. In 1792, the quantity was less, being only 138,328 pounds. In 1793, Whitney invented the cotton gin, and in 1794 we sent to Great Britain 1,601,760 pounds of cotton; in 1795, 5,276,300 pounds; and in 1837, (forty-two years,) this export had reached the enormous amount of 444,211,537 pounds. Previous to 1831, the import duty into Great Britain did not exceed 6 per cent. It was then raised to 10s. sterling per cwt., which duty was found too burdensome to the British manufacture, and in 1833 it was reduced to 2s. 11d. per cwt. At about this period, the estimated value per annum of the manufactures of cotton, in the realm, was £34,000,000 sterling, more than a third beyond the value of the manufactures of wool at the same period. Of this amount of manufactures, about one-half are annually exported, and find their market out of the kingdom.

Such was a very brief sketch of these three important branches of manufacture, wool, iron, and cotton, in Great Britain, from their infancy until they became extensive and important exporting interests; and it deserved remark, that that one of the three which depended entirely upon a foreign material, and which had been the least favored by legislation, had become by far the most important of the three, and much the most extensive and important manufacturing interest in the kingdom. Another remark should also be made, and it was that all these interests had long since advanced beyond the reach of protecting duties, by becoming exporting interests, and being compelled to seek the open markets of the world for a very large share of their productions. The present import duties, being low revenue duties, was conclusive proof upon this point.

This brief history showed a further fact connected with the arguments urged in support of the prohibitory policy in this country. It was that Great Britain had reached that condition which the advocates of that system here seem to suppose is so very desirable, and would be such a source of wealth, happiness, and independence to this country—the condition when the population of the country require all its produce of provisions for their own sustenance. There the agriculturalist has that home market, the exclusive benefits of which hold so conspicuous a place in these arguments.

What had been, and what was now, the influence upon the labor of Great Britain of this home monopoly of food? This was the point he was at present discussing, and it was in reference to the influence upon labor that he now proposed to examine the protective and prohibitory system of that government, and its general legislative policy in respect to the agricultural interest. Here, again, he should be compelled to be tedious, but to himself the examination was not without deep and exciting interest. He proposed to confine himself principally to breadstuffs, and mostly to the article of wheat.

He found that, from the conquest in the eleventh century down to 1436, (nearly four hundred years,) the exportation of breadstuffs from England was entirely prohibited, while he found no notice of any restraint upon importation. The declared policy during this period was to secure an abundance of provisions, and low prices. In other words, it was a system of protection to labor at the expense of capital.

In the year last named, a law was passed to per-

mit the exportation of breadstuffs when the home price should have fallen to a certain specified point. For wheat it was about 36 cents per bushel, and other grains in proportion. The policy of this legislation was to relieve agriculture from the depression of its own overstocked markets, but under the restriction that exportation must cease when the domestic price should rise above the point named.

Laws were also passed to regulate and restrain the domestic trade in breadstuffs. These laws made it highly penal for purchasers to buy up and engross the stocks of grain, and prohibited purchasing in one part of the kingdom to sell in another.

In 1562, exportation was permitted when the domestic price should fall to about 54 cents the bushel for wheat; and in 1571, the permission was extended to the price of about \$1 07; but an export duty of about 10 $\frac{1}{2}$ cents was imposed, to be paid to the public treasury.

In 1624, the laws imposing restraints upon the internal trade in breadstuffs were materially modified.

In 1670, the point of exportation was extended to the price of about \$1 47 per bushel for wheat, the same export duty being imposed. The same law prohibited importations when the home price should be at or below the point of exportation, and imposed an import duty of 22 1-5 cents per bushel until the home price should rise to \$2 22 cents, when importations could be made free of duty.

This appeared to be the first law adapting the policy of direct protection to agriculture by prohibitions and import duties.

In 1673, only three years after, all the laws restraining the internal trade in grain were wholly repealed, evidently in furtherance of the same policy of removing the restrictions upon agriculture and extending its privileges.

In 1689, sixteen years later, the policy on the subject of the exportation of breadstuffs was precisely reversed. The export duty of 10 $\frac{1}{2}$ cents per bushel was repealed, and a bounty allowed of about 14 cents per bushel, to be paid from the public treasury, upon the exportation of wheat, when the home price should be at or below \$1 33 per bushel. This swept away the last remaining vestige of the legislation, designed, or calculated, to make bread plenty or cheap; and adopted fully the policy of legislating, as our system proposes to do, to make it scarce and dear.

From this period until 1773, almost a century, the legislation fluctuated—at some periods exportation being wholly prohibited, and at others the sums paid in bounties upon exportation being very large. In the single year 1750 these bounties paid amounted to \$1,062,270. At the early part of this interval, the import duty was increased to about 45 cents per bushel upon wheat, when the home price was at or below \$1 52 per bushel; and half that duty above that price and below \$2 30, when importations were permitted free. In 1699, 1703, 1704, and 1747 additions were made to this duty, the last law fixing it at 63 cents per bushel when the domestic price was at or below \$1 25, and continuing very heavy duties until that price should rise to the former limit of \$2 30.

In 1773 a great change was made. Importations were allowed at a merely nominal duty, when the home price should rise to \$1 37 per bushel for wheat, and exportation was entirely prohibited when that price should be above \$1 22. This law also first allowed importations of wheat in bond.

Here was an extensive remission of the former protective policy in favor of the consumers of breadstuffs, and consequently in favor of labor. From this time until 1791 no material change took place in the general policy of the legislation, though several laws were passed increasing the import duty when the price of wheat was at or below the limit before fixed of \$1 37 per bushel, the last bringing that duty up to 69 cents per bushel.

In 1791 new demands were made for further protection to the agricultural interest. Deep fears were expressed that the country would be brought to a dependence upon foreign wheat for its bread, unless greater encouragement was given to the domestic wheat grower. The duty was then 69 cents per bushel, but that duty ceased when the home price should rise above \$1 37. The consequence of this agitation was the continuance of that duty until the home price should rise above \$1 43, and the addition of heavy duties between that price and \$1 54 per bushel.

In this legislation was furnished the clearest evidence that the consumption of breadstuffs in the kingdom was exceeding its fair natural production, and the brief sketch he had given of the advance of the manufacturing interests would show that at this period it was that the manufactures of woollens, iron, and cotton were making their most rapid extensions, forced along by very high protecting duties, or positive prohibitions. The consequence of this farther protection to the grain-growing interests was a forced movement in that direction. Lands much more suited to grazing were taken in and put to tillage under the artificial encouragement and the necessities of the country for bread, and mark the first consequence.

In 1793, at the expiration of but two years, the bounties upon the exportation of wheat from the realm were revived. The domestic markets had become so soon overstocked, and as the landowners could not sustain the consequent fall in the home price, a bounty must be paid to them, from the public treasury, for exporting their surplus to foreign countries, and selling it there cheaper than they were willing to sell it in the markets of their own country.

In 1797 the Bank of England suspended specie payments, prices of commodities and of breadstuffs with others rose greatly, and demands for further protection to the grain growers was the speedy consequence; and in this year, and also in 1803 and 1804, moderate additions were made to the import duty.

A second law, in 1804, fixed the import duty at 86½ cents per bushel, when the price should be at or below \$1 80, and a moderate duty between that price and \$1 89. This act continued the bounties on exportation when the home price should fall to \$1 35.

In 1805, 1806, 1809, and 1813, laws were passed increasing the import duty; the last fixing it at \$1 13 per bushel, when the price in the domestic market should be at or below \$1 80.

In 1814, all restrictions upon exportation were taken off, and all bounties upon exportation repealed.

In 1815, after a desperate struggle in the country, and in Parliament, a law was passed prohibiting importations for domestic consumption, when the price of wheat was at or below \$2 30 per bushel, and allowing them, *free of duty*, when the price rose above that point.

Here, this branch of British legislation reached its climax, and between that time and 1827, several

acts were passed permitting importations of breadstuffs, for specified periods, or in limited quantities, or under special orders from the crown, or the board of trade, at very moderate duties; and upon one occasion the lords commissioners of trade actually admitted the importation of a considerable quantity of breadstuffs, in the face of the law, and subsequently sought and received the sanction of Parliament for their act.

In 1827 a modification of this extreme protection took place. The import duty was fixed at 57 cents per bushel when the price of wheat should be at or below \$1 72; and for every fall from that price of 22 cents 44 cents were added to the duty; and for every rise in the price of 22 cents above the point fixed, (\$1 72,) 44 cents were to be taken from the duty, until wheat should come to be about \$2 per bushel, when the duty was to be stationary, and merely nominal—only equal to about 2½ cents per bushel. This act was limited upon its face, and was to expire on the 1st of May, 1828. This was the first direct introduction of the sliding scale of duties, which still characterizes the British corn laws; and these modifications of the law of 1815 were predicated upon the admission that the protection to this interest had been carried to excess under that law.

In 1828 a general law fully adopting the sliding scale, so called, gave again permanent regulation to these duties. The point fixed for importations at a merely nominal duty was a domestic price a trifle above \$2 per bushel. For a fall of 1s. sterling below this price, 2s. 8d. were added to the duty per quarter of eight bushels; for a fall of a second shilling per quarter, four shillings more were added to the duty; and so on, irregularly increasing the duty as the home price of wheat should fall, until, at the price of \$1 85, the duty should be 57 cents per bushel; and from that point the duty was to increase exactly as the price should fall.

After this period no material change is believed to have taken place until the now existing law, which fixes the duty at 55½ cents per bushel when the price of wheat is \$1 41½, and diminishes the duty exactly, or almost exactly, as the price rises, until it reaches \$2, when the duty becomes fixed, and merely nominal—1s. per quarter of eight bushels.

Such was a brief and very imperfect sketch of the protection which British legislation had given, first to the consumers, and then to the producers, of breadstuffs.

A mere glance at the legislation in reference to a few other articles of provisions would close this review. In 1787, the import duty upon hams and bacon was \$10 43 per cwt.; that duty in 1819 had been raised to \$12 43, and is now just half that amount, \$6 21 per cwt. The importation of salted beef and pork was prohibited in 1787 and in 1819, and now the duty is \$2 66 per cwt. In 1787, the import duty upon butter was but 5½ cents per cwt., and in 1819, and at the present time, it is \$4 44. Upon cheese, the duty in 1787 was 33½ cents per cwt., and in 1819, and at the present time, it is \$2 31. Such has been the protection extended to these important agricultural productions, which are equally necessary articles of food.

Such had been the British system of protection to domestic interests, as the terms are used in this debate—to great branches of manufacture, and to the great and leading interests of agriculture—and what have been the fruits to the British population, to the British masses, to British labor?—for this last was his present point of inquiry.

Need he refer to the present condition of the laboring masses of Great Britain to answer this question? Were authorities required to establish and illustrate the condition of that portion of the British population? He should not attempt to adduce them. The very argument upon which the present tariff law was sustained, and its policy justified, by its most intelligent as well as most distinguished advocates here, admitted all he wished to infer as the fruits of the British system. What was that argument? That our manufactures, our agriculture, our every interest, required to be protected against "*the pauper labor of Europe*;" and of what country in Europe so much as Great Britain? What other country held such stern competition with us in almost all our manufacturing interests, and especially in wool, iron and cotton? Not one, and not all the countries of Europe combined. Protection, then, was demanded, most emphatically, against the pauper labor of England, of Great Britain. And hence his argument, drawn from the practical workings of the British system, could not be inapplicable, or inappropriate.

Again, he would repeat, he was examining the influence of this prohibitory and monopolizing system upon labor, upon the condition and comforts of the laboring classes, and upon the wages of labor.

What, then, was the present condition of the day laborer in Great Britain? What in England itself? That of poverty, want, and hunger. Poverty in his dwelling, in his clothing, in his food. He remembered to have seen, within one or two years, extracts from some public document, he believed some examination before a committee of Parliament, in which it was stated that the agricultural laborer of England did not consume as much wholesome bread by about one-fourth as the same description of laborer in France, and nearly one-half less than the same laborer in this country; that he did not have, on the average, to exceed one full meal of butcher's meat per week; and that the laborers in the manufactories were not as well fed as those employed in agriculture. The same document stated that the laborer in Ireland was scarcely acquainted with the articles of meat and bread, as articles of his own food, the potato being almost his exclusive living.

Such had been the fruits of this system of prohibitions and monopoly of bread to labor in Great Britain, and such was the condition to which a rigid adherence to it for many centuries had reduced the common laborer of that country. It had produced an impassable separation between labor and capital, and an examination of the official documents upon which the modern British legislation was predicated would show that the great inquiry was, how would any proposed measure affect capital; the rents of land; the revenues of the wealthy classes; the credit of the stocks;—not how it would affect the working man or his comforts. The tendency there had been to benefit capital at the expense of labor, until it had made the capitalist an aristocrat, rolling in wealth, holding the labor of the country under his feet, by his monopoly over all the pursuits of industry, and the government of the country and the control of its policy, in his hands, by the power of the loans which the profits of his capital arising from this legislation had enabled him to make to it. It had made the government a proud, splendid, and powerful bankrupt, buried under a mountain of debt which it never hoped to pay; and it had made the working man a starving beggar—a legalized pauper.

Could a like policy and like measures fail to produce like results upon the laboring man of this coun-

try? They had produced them to an almost equal extent in France, Spain, Austria, and every other country where the monopolizing policy had controlled the legislation. In Great Britain they had been produced most perfectly, because there the policy had been adopted most extensively and pursued most rigidly; but everywhere the marked effect had been to separate capital and labor, and to place the latter entirely in the power of the former; and an inevitable consequence had been to increase the profits of capital, and diminish the wages, the comforts, and the independence of labor. Ireland afforded the most striking example of the extent to which the power and oppression of capital over labor could be carried. There even the landlord was a permanent absentee, not simply from his estate, but from the country, and every thing which would sell was carried away to extinguish his rents and swell his gains, while that which would not, remained to subsist an almost naked and almost starving tenantry, suffering under the oppressions of a merciless agent of their absentee landlord.

He had letters, informing him that persons were now engaged, in various parts of the country, endeavoring to prejudice the minds of our honest Irish laborers against those who seek to modify the present tariff law, alleging that it is done to benefit British labor, at the expense of the labor of this country. Did they hope to convince these warm-hearted sons of oppression, who had fled from this system at home, that it would be a blessing to confer it upon them here? Are they to be made to believe that the British policy, which has brought the laborer in Great Britain to absolute starvation, is a policy which is to promote their happiness in this country? They will pay, as cheerfully as any portion of our population, such taxes as the support of the government may require, but their experience at home will not be likely to make them easily believe that taxation will bring them either comforts or independence.

Still, it is said, we require protection against the pauper labor of their country, and of other European countries. This was not the ground assumed at an earlier stage of this policy. Then it was that our manufacturers required protection against the increased cost of the raw materials for their manufacture in this country over that cost in the manufacturing countries of Europe. He held in his hand the minutes of testimony taken before the Committee on Manufactures of the House of Representatives, during the session of Congress of 1827-'28, and previous to the passage of the tariff law of 1828. The testimony to which he referred related to the manufacture of wool; and every witness who answered the interrogatory agreed in stating that wool could be manufactured as cheap in this country as in England, the manufacturer here having the wool and other materials at the same price.

Mr. WRIGHT here read the testimony of several witnesses, among which were the following:

Col. James Shepherd, of Northampton, Massachusetts, witness, was asked the following question, and gave the following answer:

"Question. Of an equal quality of wool, at present prices, in England and the United States, can the English manufacturer make a cheaper fabric than can be made in the United States? If so, how much cheaper?"

"Answer. The difference in the price of the fabric would be the difference of the price of the wool, in

my opinion, as I think we can manufacture it as cheap as they can!

Mr. W. read the testimony of Abraham Marland of Andover, Massachusetts; William W. Young of Wilmington, Delaware; James Walcott, jr., of Southbridge, Massachusetts; and Joshua Clapp of Boston, Massachusetts, to the same purport.

He then read the testimony of Joshua W. Pierce of Somersworth, New Hampshire, as follows:

Question. Without reference to the price of wool, can the fabric be manufactured as cheap in the United States as in England?

Answer. I think it can. All my information, brings me to this conclusion; and one reason I would assign is, that we substitute a much larger share of the labor of females than they do in England, in the woollen manufacture."

He also read the testimony of Elenterre Irene Dupont, of New Castle county, Delaware, as follows:

Question. Without reference to the difference in the price of wool, can the fabric be manufactured as cheap in the United States as in England?

Answer. The woollen manufactory is not fairly established in this country, but I know no reason why we cannot manufacture as well, and as cheap, as they can in England, except the difference in the price of labor, for which, in my opinion, we are fully compensated by other advantages. Our difficulties are not the cost of manufacturing, but the great fluctuations in our home market, caused by the excessive and irregular foreign importations. The high prices we pay for labor are, in my opinion, beneficial to the American manufacturer, as for those wages he gets a much better selection of hands, and those capable of, and willing to, perform a much greater amount of labor in a given time. The American manufacturer, also, uses a larger share of labor-saving machinery than is used in the English manufactories, which very much diminishes the effect of the higher rate of wages upon the actual cost of our goods."

Here was the sworn testimony of practical manufacturers in 1828. They did not, then, suppose that they required protection against "the pauper labor" of England. Whether time had changed their interests, in this respect, he was unable to say. He did not suppose it had materially, as he was not aware that the wages of labor had risen in this country, or fallen in England, so as to widen the disparity between the two countries, very essentially, since 1828.

Whether these witnesses were, at the time, laboring under a mistake in judgment upon this point, was another question which he was not able to decide. He would confess that he had some doubts, when the testimony was given; and yet it satisfied him that the disparity, if any, must be much less than seemed to be generally supposed.

Another remark was suggested here, from the answer of the last witness. Our cotton and woollen manufactures must now certainly be fully and firmly established; and he supposed the skill possessed in these branches must be as perfect, as to the qualities and kinds of goods manufactured, as that possessed by manufacturers elsewhere. In 1828, this was one of the principal grounds upon which protection was sought. It was contended that our manufacturers wanted time to establish their business, and acquire the skill necessary to compete with foreign establishments. Had sufficient time to accomplish these objects been allowed, that now the

ground was changed upon which continued protection, beyond that which the collection of the revenue would afford, was still demanded? He supposed that must be so, and hence it was necessary to examine this new ground, and most especially as to its influence upon labor.

If we are to adopt the prohibitory system to protect our manufacturing interests against the pauper labor of Europe, when is the ground for that protection to cease? Certainly not until one of two events can be brought about. It must continue either until pauper labor shall cease to exist in Europe, or until the system shall produce pauper labor here, which can compete, upon equal terms, with the pauper labor of other manufacturing countries. Who ever expects to see the time when there will not be pauper labor in England, and the other European countries? Certainly no one, while the present institutions, and systems, and policy, of those governments continue. The first event, therefore, is not to take place, and thus relieve our manufacturers from their demands for protection against the pauper labor of Europe.

How is it as to the second of these events? Will the prohibitory system, fully introduced and rigidly adhered to, reduce the labor of this country to a similar state of pauperism, and therefore of equal competition, with the labor of Europe? It had been seen that such had been one of its fruits, in every country where it had been rigidly enforced. Suppose the system to be carried to the British extent in this country, and that a sufficient portion of our population be induced by it to resort to manufacturing and the mechanic arts to consume all our agricultural productions: can that portion of the population which continues in agricultural pursuits consume all the manufactured products of the portion engaged in that branch? Certainly not the one half of them. As one man employed in agriculture can feed several engaged in other pursuits, so one man employed in manufactures can clothe several engaged in agriculture. What, then, is to become of the surplus of manufactures? Now there is a surplus of agricultural productions, and that surplus is and must be exported; and hence those productions are beyond the reach of protection from our duties. So must the surplus of manufactures, in the assumed case, be exported; and then will manufactures be beyond the reach of our protection, while the agricultural productions, being all consumed at home, will be brought within the reach of protection from our duties.

Such is precisely the present condition of Great Britain, and her agricultural interests prove as ready to demand her legislative protection, and a monopoly of her home markets, as did her manufacturing interests, in their infancy, while the latter have passed beyond the reach of benefit from the policy, by having become her exporting interests.

Suppose this revolution accomplished in our country, and that all our agricultural products are consumed at home, and all our exports are made to consist of our manufactured products: how would then be our manufacturing labor? It would be beyond the reach of protecting duties, because its products would have to be sold in the open markets of the world, and to meet the competition of the world, the pauper labor of Europe and all. No import duties of ours can enhance the value of their products, or give to them the monopoly of a market. They must meet competition, as the great mass of our agricultural productions now do, wherever a market

can be found. Then, however, our agriculture, like that of England at the present time, will claim the protection within its reach, the exclusive possession of the markets of its own country. It will command and secure that protection, for it is, and will be, the commanding interest. It will here, as in other countries, draw the capital of the nation to itself, for the security of investment, when the control of the national policy shall enable that capital, thus invested, to dictate its own profits.

When such a state of things shall have been produced by a prohibitory policy on the part of this government, what will measure the compensation to labor? and what, especially, to manufacturing labor? The manufacturer can make his calculation as well then as now. He can tell the cost of his materials, the interest upon his capital invested, the wear and tear of his machinery, and the promise of his market, as well under such a system as under the present; and, consequently, he will know as certainly what he can afford to pay for labor, and when his interests will be better served by closing his factory than by employing laborers to run it. What will he do? Will he not pay such rates of wages for labor as he can afford to pay, or employ no laborers at all? Most certainly he will. What will be his moveable item of cost in deciding the question whether he shall work his mills or suffer them to remain idle? Most certainly the wages of his labor. He cannot control the cost of the materials of his manufacture, or the cost of the provisions and other necessities of the laborers he is to employ; and he will not abate the profits upon his capital; but he can and will control the wages of his labor.

If, then, pauper labor in Europe meets him in the foreign market, he must and will have pauper labor at home to compete with it, or he will close his mills and employ no labor. And suppose he does that, what is this mass of unemployed manufacturing labor to do? Where is it to resort? Will agriculture take it up? Certainly not; because that will extend its productions beyond a supply for the home market, and destroy its monopoly and high prices, by compelling it to export.

This is precisely the result of the experience of Great Britain, as before shown, and of all other countries which have pursued the monopolizing policy. The result in all has been dear bread and cheap labor; the prosperity of capital and the subjection of the masses; the triumph of the power of money over the moral and physical power of men. It must be so in this country, if ever the time should arrive that its manufacturing, rather than its agricultural, becomes its exporting interest. Then the laborer would be fettered and bound down to such fixed employment as capital should find it for its interest to give, and the wages of labor must, as in England now, be controlled by the prices at which the products of manufacture could be sold abroad. He would make a brief reference to testimony taken before a committee of the House of Commons of the British Parliament in 1842, to show the workings of the system upon the wages of labor there. The witness was a Mr. Joseph Walker, an extensive manufacturer, at Wolverhampton, England. Speaking of the duties upon the foreign iron used in their manufactories, and the effect of that duty upon the wages they are able to pay for labor, he says, "that difference must come out of the wages of labor here; for we actually export the goods that we

make of foreign iron; and when we export them, we must sell them at the price the foreigner does."

"Question. You mean to say that that burden compels you to reduce the wages so as to enable you to compete with the foreigner?" *Answer.* It has the effect of reducing them the whole amount of the duty."

Again: speaking of duties upon articles of provisions, the witness says: "Undoubtedly all the duties put upon the importation of food of all descriptions—on coffee, sugar, corn, and everything of that sort—are a direct disadvantage to the laboring man of England; because it is evident that the manufacturer must sell his goods at the price at which the foreigner sells his; and, in order to do that, he must reduce his wages to the workmen." Again:

"Question. Do the wages of the workmen at Wolverhampton rise and fall with the price of food, and other articles of necessity?" *Answer.* No; I think not. I do not think it operates. The wages of labor depend upon the demand for the goods, not upon the price of the provisions. We witness, now, low wages and a high price of provisions; high prices of bread, meat, and groceries." Again: "Question. Unless the price of your manufactures was lower, how would you be better able to meet the foreign manufacturer than you now are?" *Answer.* We are now compelled to fall back upon a reduction of wages to meet the foreign manufacturers, because the cost of the raw material is the same to them and to us; and it is, therefore, the workmen who suffer. If we do not get 10s. for a piece of goods in a foreign market, and we are obliged to take 8s., we must then either cease to send the goods there, or fall back upon the wages to reduce it to 8s."

Here was the sworn testimony of an intelligent manufacturer of goods in England for an export market, and here his exposition of the influence upon the wages of labor, of the condition he had assumed when the productions of agriculture find consumers at home to their full extent, and when the manufacturing has become the exporting interest.

He had said he did not wish to see the time when this country should cease to export the breadstuffs, and other articles of food. Here were his reasons. This witness had stated them from a practical experience. He did not wish to see the time when our duties would fall upon the hungry laborer, because he must have food; and this testimony showed that the capitalist would not let them fall upon him. If compelled to pay a duty upon his iron, he would deduct the amount from the wages of his laborer; and the laborer must work for such wages as he could get, or he could not eat his highly-taxed food. Such were his views of the unavoidable final fruits of the prohibitory system upon labor and the laboring man.

So much had been said, in the course of this debate, about the present prosperity of the country, and the agency of the present tariff law in producing the prosperous change, that he felt compelled to offer a remark or two upon that subject. And, in the first place, it was his duty to inquire to what extent the country could now be said to be in a prosperous state. It was important to settle the fact, before it would become necessary to seek for the cause.

The commercial exhibition, which he had presented for the year 1843, certainly did not furnish much ground for exultation, so far as that great interest was concerned. He was aware that trade was holding out a somewhat better promise for the pres-

ent year; though nothing he had yet seen indicated very abundant importations for this year. He suspected that gentlemen had rather looked at the duties collected, under the present very high rates, than at the value of the importations; for they would remember, if the imports should rise up to what had been considered in former years a healthful and prosperous state of commerce, with the present very limited free list, the revenue collected must be enormous under the present rates of duty.

How was it with agriculture? Was that interest prosperous? He could speak within his own limited acquaintance, and not beyond it. In the county of his residence, the beef and pork and butter and cheese of the farmer, during the last fall, which was the season for the sale of those productions, found one of the dullest markets which that section of the country had ever known, and at prices at least from 15 to 20 per cent. reduced from the previous very low year. Such was the state of agricultural prosperity there, and he was informed and believed that all the northern and western counties of his State had met the same experience. Breadstuffs, and especially wheat, he believed did a little better last fall, and found ready markets at moderately fair prices.

The manufacturers, it was said, had been doing a very lucrative business under this law, and he presumed that interest might be called prosperous; and he thought the prosperity derivable from this legislation, must be limited mainly to that interest.

He did believe that the law had exerted some influence in the restoration of the public credit, and the belief that it would, had operated strongly in inducing him to vote for it; but a much more moderate law, and one arranged upon fair revenue principles, while it would have had at least an equal effect in that direction, would have less embarrassed agriculture and commerce, and laid a more safe and healthful foundation for the lasting prosperity of our manufactures.

In speaking of our prosperity, senators seemed to forget our condition at the time the law passed. The evils of our bloated credit system had passed over the country, blighting everything like prosperity, and leaving only debt and distrust. Time had meas-

urably restored confidence where it was deserved, and the sponge of the bankrupt law had wiped away the hopeless load of debt. In this condition, the country was as certain to rise into a state of prosperity, as the young and sound constitution, to recover health, after the seeds of the disease which has prostrated it have been eradicated. Here was the great and resistless cause of the moderate degree of prosperity which had yet appeared, and it would be scarcely in the power of bad legislation to prevent its onward progress, though it might, as he believed this law would, if not properly modified, materially retard it.

Finally, he would ask, could a system of taxation be made a system of blessings to a whole people? Was it possible that a country could be taxed into prosperity and wealth and happiness? If the tax collector was benefited, must not the tax payer feel the burden? If one interest was positively promoted by the arrangement of the tax, must not some other one be burdened by it? It was a tax, and must be paid, and all, therefore, could not receive and none pay. Would Congress think of imposing taxes if revenue was not wanted? Would any one think of imposing high duties if there were no expenses of the government to provide for? He supposed not; and hence it seemed to him that the duties we do impose should be imposed to raise the means to meet those expenses, not to defeat revenue by prohibiting importations.

Let him not be misunderstood. His argument was not between protection and no protection. It was between that degree of protection which is incident to revenue and consistent with it, and prohibition, destroying revenue, and conferring monopoly. He was willing to throw the whole mass of the revenue from customs—from sixteen to twenty millions of dollars a year—between the domestic and foreign competing interests, for the protection of the former; but he was not willing to shut out competition, break up our commerce, and destroy our revenue to favor any interest. He believed such a policy unequal and unjust; that it would unreasonably burden the exporting interests, and must finally fall with crushing weight upon the working man. ♪



1806-1879
Joseph Myers
William Allen
SPEECH

In Senate, Tuesday, February 11, 1840—On the report of the Select Committee in relation to the assumption by the Federal Government of the debts of the States.)

Shall the Federal Government depart from the sphere of its limited powers—shall it intrude into the local jurisdiction of the States—assume the duties of State legislation—tax the people for objects of State concern—shall it thus eventually abolish the State Governments, and itself settle down into one consolidated empire? This, Mr. President, no less than this, is the question presented, negatively, by the pending resolutions, and affirmatively by the substitute proposed. It is the same fundamental question which, at the beginning of the Government, divided this nation into two great parties, impressed upon them an enduring cast, fixed their principles, and has ever pointed the course of all their measures. Thus far has the great struggle involving the ultimate form of our institutions, already progressed; and although our history has been brief, we are now approaching that juncture in our affairs, when strife must speedily terminate in decision. For, sir, by the powerful impulse with which the whole system of civilization is now driven onward, changes more thorough are wrought in governments within a single life time, than centuries could effect, before this era of furious activity. And hence it is that our Constitution, though on the fourth of the ensuing month it will have subsisted but fifty-one years, has even now developed all its latent principles, whether of harmony or of discord, of consolidation or of disunion; whilst, in the mean time, the population has swelled to a magnitude, and stretched over a circuit sufficiently large, to comprehend all the diversity of interests likely hereafter to provoke dissensions. As to these things, therefore, the future has no secrets to disclose. The present generation have now before them all the data essential to the discussion of the question, shall the Union of these States continue as it is, or shall the States sink into a common empire, exposing the people to the hazard of despotism?

Sir, there is no truth, calculated to, shed over a generous heart a deeper melancholy than the fact, that, of all objects yet undertaken by the faculties of man, the solid establishment of free institutions has been found the most difficult. The human

mind, in its pride and in its glory, ranges through the whole frame of nature, discerns with certainty the laws which hold the members of the planetary world to their appropriate limits, protecting each against the encroachments of the other; and yet, in its utmost efforts, it has been unable to discover like rules of human conduct, to effect the same results between man and man. Most of revolutions have been but changes in the forms of oppression. For there is, in its principle, an elasticity adapting it to every new condition of things, in spite of all the precautions suggested by experience. If driven from the external forms of government by the positive enactments of the fundamental law, it soon reappears in the interior of the social community, and employs that law, the very safeguard provided against it, to protect itself in wrong and outrage upon the people. Nor, sir, do I speak thus without motive; for, in all I have this day to urge, it shall be my object to illustrate this truth I have stated, not by abstractions barren of results, but by the actual progress of events and the present state of affairs in our country.

And now, to begin at the primeval source of these events, where is it to be found? Not in our own history, but in that of our English ancestors; for we are still linked to that country by a chain of social dependencies, although that of our colonial bondage has long been broken.

In the first place, then, the British revolution of sixteen hundred and eighty-eight, which resulted in the expulsion of James the Second, and the coronation of the Prince of Orange, as William the Third, was finally consummated by a solemn compact between the new monarch and the people. He held the throne neither by inheritance nor as victor. By this adjustment of the Constitution, the *jure divino* right of kings was, as a principle, expressly denied—the ultimate authority of the nation fully recognised—the regal prerogative of levying money, hitherto assumed, torn from the crown—that power acknowledged to abide alone in Parliament, and the protection of the citizen made the condition of his obedience. Such were the guarantees which Englishmen thought they had obtained, after so many years and scenes of civil war. And why should they not so think? Could they have supposed that a monarch, just called to a throne made va-

cant by the usurpations of his predecessors, would himself begin with the repetition of crimes so fatal to them? No. The eyes of the nation were therefore turned to Parliament, as the only source of law; and to law, as the sole authority to prescribe the amount and apportionment of the public burdens. They thought of taxes in no other form; they apprehended oppression from no other quarter. But the Prince of Orange was not an Englishman, by nativity or affections. His views and feelings were upon the continent. Without sympathies with the isle of his adoption—as a man, brave and sagacious in battle and in the cabinet—ever, and every where, inflexible of purpose—cold, abstracted, collected within himself—ambition domineered in his heart, to the exclusion of all other passions. He came to the throne by invitation, and seems to have thought that less a favor to him than his acceptance a favor to the nation. Regardless, therefore, as it soon appeared, of a compact that trammelled his will, it became the first of his objects to regain the lost prerogatives of the crown, and, first of all, that which brought all others with it—the power to levy exactions, at pleasure, upon the people. His schemes required money—more than he dared to demand, or Parliament to supply; for Parliament was bound to respect the forms of the Constitution, and he the forms of Parliament. Yet even these difficulties in his way, so far from restraining the desires of the Prince, served but to disclose the fearful secret, that the wants of ambition will ever suggest the means of their own gratification. There stood the compact, guarded by all the terrors of a recent revolution; and now, sir, it is to be seen by what process he obtained his object, and the consequences of his success, not to that country alone, but likewise to this.

But, first of all, it becomes important to observe, that of all the modes of levying contributions upon the people, borrowing is the most dangerous and oppressive. In this form, the community are taxed in anticipation—not by law, but by contract. The weight of interest is thus added to the burden of the principal, whilst every check upon Government, in its application, is withdrawn, inasmuch as the present benefit resulting from the immediate use of money obscures the remote oppression its payment may occasion. Thus it is, that public debt is augmented without control. Thus it is, therefore, that each generation struggles, not to diminish, but to roll on, the increasing burden upon its successors; and thus it is too, that despotism, in silence and security, fastens its grasp upon the people, because each additional loan obtained upon the public credit, strengthens the hand which receives, and enfeebles that which contributes.

It was, then, to this form of the taxing power—the power to borrow, at pleasure, to an indefinite amount, upon the pledged property and labor of his subjects; that the King resorted, to reinstate the crown in its former plenitude of prerogative. But to this end, it was necessary first to create a fund to be borrowed. How was this to be done? It could be effected in no other way, than by making the interest of one class of his subjects to unite with the throne in the plunder of the others. For

this purpose, the money capitalists were the only class to whom the sovereign could appeal. But inasmuch as that class had already suffered by advances made to Government, in the recent convulsions of the State, some equivalent beyond ordinary indemnity, could alone induce them to renew those advances. That equivalent was ready. It was nothing less than an absolute power conferred upon them, as a company, over the whole currency of the country; a power to substitute, for a metallic medium, valuable in itself and therefore capable of being the standard of all other values, a paper circulation of the company's promissory notes, in themselves valueless, and for that very reason incapable of measuring the value of any thing else. This power was conferred, and this change in the currency effected, in sixteen hundred and ninety-four, the sixth year of that monarch's reign, by the charter of the *Bank of England*.

And thus, for the first time in the world's history, were the due bills of an incorporated company forced, by Government, as money, upon a nation. For the first time, were the property and labor of an entire people thus placed under the absolute control of a company; and thus, for the first time, was a counter revolution accomplished in Government itself, by a revolution in the currency—a revolution which, as far as Great Britain and the United States are concerned, has struck more profoundly into society—spread its effects more widely through all the minutest relations of life, than any other event of modern times. Yes, effects, of which, as I shall attempt to show, the matter of our deliberations this day are but the dreadful manifestations. For here, sir, it is that we are to look for the beginning of that succession of events, which has already imposed a debt of four thousand millions of dollars upon Great Britain, and enabled her to throw two hundred million of the amount upon the States of this Union.

But in order to comprehend all the consequences, both social and political, resulting from the creation of the first English bank, it becomes essential to know the circumstances attending the transaction, as well as the motives and reasons. To these the British historian himself shall speak; and here I ask the strictest attention, that all may judge, whether, in our own history, there has any thing of a like character occurred:

"The scheme was founded (says Mr. Smollett) on the notion of a transferable fund, and a circulation by bill on the credit of a large capital. Forty merchants subscribed to the amount of five hundred thousand pounds, as a fund of ready money, to circulate one million at eight per cent. to be lent to the Government; and even this fund of ready money bore the same interest. When it was properly digested in the Cabinet, and a majority in Parliament secured for its reception, the undertakers for the court introduced it into the House of Commons, and expatiated upon the national advantages that would accrue from such a measure. They said it would rescue the nation out of the hands of extortioners and usurers, lower interest, raise the value of land, revive and establish public credit, extend circulation, consequently improve commerce, facilitate the annual supplies, and connect the people the more closely with the Government. The project was violently opposed by a strong party, who affirmed that it would become a monopoly, and engross the whole money of the kingdom; that, as it must infallibly be subservient to Government views, it might be employed to the worst purposes of arbitrary power; that instead of assisting, it would weaken commerce, by tempting people to withdraw their money from trade; and employ it in stockjobbing; that it would produce a swarm of brokers and jobbers, to prey upon their fellow creatures; encourage

fraud and gaming, and further corrupt the morals of the nation. Notwithstanding these objections, the bill made its way through the two Houses, establishing the funds for the security and advantage of the subscribers; *empowering their Majesties to incorporate them by the name of the Governor and Company of the Bank of England*, under a proviso, that at any time after the first day of August, in the year one thousand seven hundred and five, upon a year's notice, and the repayment of the twelve hundred thousand pounds, the said corporation should cease and determine. The bill likewise contained clauses of appropriation for the service of the public. The whole subscription was filled in ten days after its being opened; and the court of directors completed the payment before the expiration of the time prescribed by the act, although they did not call in more than seven hundred and twenty thousand pounds of the money subscribed."

Here, then, was the first entrance into the world of the banking system, as a source of paper currency. And mark the attendant incidents. In the first place, it commenced in the creation of a public debt, ever to be increased—never extinguished, but by the extinction of the Government itself. In the next place, it began with the corruption of the legislative power; for after being planned by ministers in the cabinet, it was withheld from Parliament, in order that the King might corrupt a majority to its support, before exposing it to the eyes of the public. And then, above all, mark the reasons assigned for the measure: "It would connect the people more closely with the Government." Yes; bind them more firmly within the spell of the throne—render them more tractable—less rebellious to oppression.

But what were the reasons urged against it by the patriots of the day? That it would become a monopoly—engross the whole money of the country—subvert the views of arbitrary power—strengthen the crown against the people—withdraw money from trade—produce swarms of brokers and jobbers to prey upon their fellow men—engender fraud—encourage gambling, and corrupt the general morals. And who so lost to truth—so insensible to crime, as to deny that those fears have been realized? There can be none.

But what, sir, is this I have said and described? Does it relate to the first Bank of England, or to the first *Bank of the United States*? Where, in the world's history, are two events to be found, more identical in all their incidents—their reasons—their consequences?

The capital stock, consisting as it did, exclusively of Government bonds for near five millions of dollars, advanced by the company to the king; the bank began to loan its promissory notes, issued as a currency, upon the sole security of the bonds, themselves but the evidence of debt. In this manner it was that, whilst the institution, with one hand, drew interest, through the Government, from the people, on the debt itself, with the other it drew interest from them, on its own due bills, issued upon the pledge of the debt. The value of a stock thus yielding, as it did, a twofold profit, invited, of course, all capitalists to make additional investments. From time to time, therefore, was the capital of the bank increased, its charter extended, and its powers enlarged, by acts of Parliament, obtained through the influence of the king, that the institution might be able to make still further advances to him, as often as his schemes of ambition required them. Thus, by the repetition of the same process through a succession of years, the whole

moneyed wealth of the empire became eventually drawn within the common reservoir of the bank; and arrayed as a distinct interest, against every other species of property—against the landed and the laboring classes, on whom, by its discounts and circulation, the institution levied an enormous tribute. And thus, too, by this concentration of power in the bank, and its coalition with the king, he was enabled to employ the institution, instead of Parliament, for all the purposes of taxation. The process was plain. When money was to be raised, instead of resorting to the constitutional mode of assessment by law, the monarch, had but to apply to the bank in the first instance, and with the means thence obtained, prevail, by corruption, on Parliament, to provide for the payment of the interest. By each successive operation thus augmenting the public debt; the burden of its interest; the capital, powers and profits of the bank; strengthening its connection with the king; increasing his influence over Parliament; diminishing that of the landed and laboring classes in the Government, and concentrating all power in the joint possession of the bank and the throne. I say, sir, the bank and the throne; for as to the two Houses of Parliament, they had, by this state of things, been rendered so notoriously corrupt, as to justify Mr. Walpole, at an after day, in laying it down as an axiom, applicable to English statesmen, that "every man has his price." And now, sir, for the results to that nation, of this paper banking system. A public debt of four thousand million of dollars; taxes intolerable; an inequality of property and condition, ruinous in the extreme; a resulting aggregate of human misery, so wide and intense, as to leave one-fourth of the population, and that the most laborious, with scarcely a shelter by night, without the certainty of daily bread on the morrow—misery driving them on from insurrection to insurrection, for means of appeasing the cravings of nature. Four thousand millions of debt, still accumulating, notwithstanding the enormous tribute annually drawn from an hundred millions of her East Indian subjects; drawn by the torch and the sword; by robbery and murder, by the devastation of the oddest and richest country of the globe; drawn, sir, by a system of complicated and exquisite cruelty, which Attila, at head of his Huns, or Tamerlane, with his Tartars, would have blushed to commit—cruelty reserved for Clive and Hastings—cruelty, at the bare recital of which, by Burke and Sheridan, all England shrieked with compunctious horror—still there stands the debt, undiminished; and that too, although British rapacity, insatiate by the plunder of India, has stretched to a neighboring isle its blighting hand—snatched the last bread from his lips—torn the last rag from the naked limbs of the famished Irishman—undiminished still stands the debt, although generation after generation of her own infant children are worked in factories to the very extremity of life. Yes, notwithstanding these crimes of inhuman enormity—this infant toil amounting to torture—there stands the debt! and England, with her exterior grandeur, her splendid throne, her nobility, her navy, commerce, and colonies, presents the melancholy image of a hospital, whose surrounding colonnade of architec-

tural beauty serves but to mock the robes of affliction—the cries of despair within.

These, sir, are the direful consequences inflicted by the paper system upon that country, and threatened to this. But when, how, by whose agency, and for what reasons, was it affixed to our soil? Who gave it a lodgement in this Government? The Anglo-Federal party of the United States. From their hands it received life and nutriment; and by them, from the beginning to the present moment, has it been sustained and defended in all its ravages upon the people—in all its tendencies to the destruction of the Government. These were the men; but what were their motives for introducing it? To know them, their principles must be known; and here again it becomes essential—first, to know what were the principles of their founder. For of parties, it is no less true than of Governments, that, at the beginning, they take their principles from the men who lead; and, afterwards, the leading men take theirs from the parties. Who, then, was the founder of that party, and what his principles? Alexander Hamilton was the man. It was he—a man whose mind, of the second order, had been cast in an English mould; was he who founded the party, who prescribed to his followers a class of principles and a line of policy, now and ever cherished by them with all the zeal of fanaticism. But what principles were they? What his scheme of measures to give them effect? These questions he shall answer for himself. Nor shall I do him the injustice to cite his language, incautiously used, on an occasion affording no reason for deliberation and care. No. But language, uttered under the most solemn responsibility that man can incur, the responsibility of organizing the Government of a nation. These, then, were the principles laid down by General Hamilton, and prescribed to his party, in the debate on the adoption of the Federal Constitution, on the nineteenth of June, seventeen hundred and eighty-seven. Thus he spoke:

"My situation is disagreeable, but it would be criminal not to come forward on a question of such magnitude. I have well considered the subject, and am convinced that no amendment of the Confederation can answer the purpose of a good Government so long as State sovereignties do, in any shape, exist."

Again, on the same occasion, he declared:

"I believe the British Government forms the best model the world ever produced, and such has been its progress in the minds of the many, that this truth gradually gains ground. This Government has for its object public strength and individual security. It is said with us to be unattainable. If it was once formed it would maintain itself. All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the Government. They will check the unsteadiness of the second, and as they cannot receive any advantage by a change, they, therefore, will ever maintain a good Government. Can a Democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of Democracy. Their turbulent and uncontrollable disposition requires checks. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted that you cannot have a good Executive upon a Democratic plan. See the excellency of the British Executive. He is placed above temptation—he can have no distinct interests from the public welfare. Nothing short of such an Executive can be efficient."

And, in the same speech, proceeding to give his plan of Government, he said:

"Let one body of the Legislature be constituted during good behavior or life.

Let one Executive be appointed who dares execute his powers.

It may be asked, is this a Republican system? It is strictly so, as long as they remain elective.

And let me observe, that an Executive is less dangerous to the liberties of the people when in office during life, than for seven years.

It may be said this constitutes an elective monarchy? Pray, what is a monarchy? May not the Governors of the several States be considered in that light? But by making the Executive subject to impeachment, the term monarchy cannot apply. These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland; but this cannot apply to the mode in which I would propose the election. Let electors be appointed in each of the States to elect the Executive. [Here Mr. H. produced his plan]—to consist of two branches; and I would give them the unlimited power of passing all laws without exception. The Assembly to be elected for three years, by the people in districts. The Senate to be elected by electors to be chosen, for that purpose by the people, and to remain in office during life. The Executive to have the power of negating all laws; to make war or peace, with the advice of the Senate; to make treaties with their advice, but to have the sole direction of all military operations, and to send ambassadors and appoint all military officers, and to pardon all offenders, treason excepted, unless by advice of the Senate. On his death or removal, the President of the Senate to officiate, with the same powers, until another is elected. Supreme judicial officers to be appointed by the Executive and the Senate. The Legislature to appoint courts in each State, so as to make the State Governments unnecessary to it.

All State laws to be absolutely void, which contravene the general laws. An officer to be appointed in each State to have a negative on all State laws. All the militia and the appointment of officers to be under the National Government."

On the twenty-second of the same month, still intent upon his object, and, as if fearful that he had not yet been distinctly understood, he proceeded to say that,

"In all general questions which become the subjects of discussion, there are always some truths mixed with falsehoods. I confess there is danger where men are capable of holding two offices. Take mankind in general, they are vicious—their passions may be operated upon. We have been taught to reprobate the danger of influence in the British Government, without duly reflecting how far it was necessary to support a good Government. We have taken up many ideas upon trust, and at last, pleased with our own opinions, establish them as undoubted truths. Hume's opinion of the British Constitution confirms the remark that there is always a body of firm patriots, who often shake a corrupt administration. Take mankind as they are, and what are they governed by? Their passions. There may be in every Government a few choice spirits, who may act from more worthy motives. One great error is, that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise Government to avail itself of those passions, in order to make them subservient to the public good—for these ever induce us to action."

Yes: here, in language the most explicit, under responsibilities the most solemn, did the founder of the Anglo-Federal party pronounce the American people incapable of a Democratic Government of equal freedom. Here did he declare that they were not sufficiently honest—that they were vicious—governed by their passions, turbulent, changing, incompetent to judge or determine aright; that they, as all mankind, were naturally divided into two classes, the few and the many, the rich and the well born on the one side, the great mass, the poor, on the other; that the first of these classes should, therefore, control the Government, in order to check the turbulence of the second. For these reasons it was, as he boldly declared, that he preferred the English form of Government, with all its abuses, with its throne, its nobility, its union of church and State, its standing armies, banking system, its organized corruption, its enormous

debt, its ruinous taxes, its opulence of the few, its pauperism of the many. It was for these reasons that he pronounced such a Government "the best model the world ever produced." For these reasons it was that he thought a like Government, if once established over our people, would possess power to maintain itself against their folly and turbulence. And therefore it was, entertaining these principles and opinions, that he proposed, in full convention, to establish, as far as practicable, the same system here, by abolishing the State Governments, and creating a Senate and an Executive for life, armed with all the powers of the King and Lords of Great Britain.

Such were the principles and views openly avowed by the founder of the party. And who can doubt that it was this manifest danger to public liberty, from the very presence of such a party in the country, which prompted the controlling majority of patriots to provide those safeguards in the Constitution against the indirect means to which that party might, in future, resort to accomplish their object? What were those safeguards? That the Federal Government, in all its departments, should originate with the people—be responsible to them—that its powers should be few, and those distinctly expressed, and cautiously guarded—that the general mass of power should remain in the States or the people—that certain rights of men, deemed more essential to liberty, should abide with them, as sacred and intangible, by either the State or the Federal Government—that no titles of nobility should be granted—that no State should issue bills of credit, coin money, or make any thing but gold and silver a legal tender. These were the safeguards; and, above all, were those provisions so intended which relate to the currency; for, sir, the patriots of the convention knew full well what had been the political and social effects of the paper banking system in England. They knew the desires of the Anglo-Federal party here; and, knowing these, could they for a moment doubt what effects would be wrought upon our Government by such a system, in the hands of such a party? But what precautions ever yet proved infallible against the prompting of insidious ambition? None. And here, sir, we have no example—a fatal example, of what I begun with stating—that there is, in the principle of oppression, an elasticity adapting it to every new condition of things, and that, if excluded from the forms of government by the fundamental law, it nevertheless takes its stand in the interior of the social community, and perverts that very law to its own defence, against the resistance of the people. And now mark the illustration of the fact, in the hurried, silent, insidious process by which the British banking system was transplanted into this Government—transplanted, not only in violation of all the constitutional safeguards intended to exclude it, but under the auspices and guarantee of the Constitution itself. Mark, too, the exact resemblance of every incident attending the origin of the Bank of England? And why? Because the author of its introduction here was but an imitator—had made the model of the British Government—"the best model the world had ever produced"—had made that, and the history of British abuses, the chief and favored objects of his study—

because he had proposed that model in the convention—had been defeated there—still deemed it practicable—and saw that it could only be introduced by first introducing the paper system, upon which it rested in England.

What were the facts? This Government went into operation by the meeting of the first Congress, under the Constitution, on the fourth of March, seventeen hundred and eighty-nine. On the thirty-first of July, of the same year, the act to regulate the collection of duties was passed, and its thirtieth section provided:

"That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say: the gold coins of France, England, Spain, and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar, at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all other silver coins of equal fineness, at one dollar and eleven cents per ounce."

Here, then, the whole revenue was to be received in gold and silver coin only. Such was the positive law of the land, passed in strict conformity to the Constitution. Thus, therefore, was the Government fairly launched upon the deep of time, without the beating of a wave or a wind to bear it from the course of its intended destiny. As yet, all was well; and so continued. But how long? To this question I will, in a moment, read the fatal answer.

On the second of September, of the same year, the act to establish the Treasury Department was passed, and on the eleventh of the same month, General Hamilton was appointed to that Department. Now mark the immediate consequences. On the twenty-second of that very month, he, as Secretary of the Treasury, issued to the collectors of the revenue an order in these words:

"TREASURY DEPARTMENT,
September 22, 1789.

Sir: In consequence of arrangements lately taken with the Bank of North America and the Bank of New York, for the accommodation of the Government, I am to inform you that it is my desire that the notes of those banks, payable either on demand or at no longer period than thirty days after their respective dates, should be received in payment of the duties, as equivalent to gold and silver, and that they will be received from you as such by the Treasurer of the United States.

This measure, besides the immediate accommodation to which it has reference, will facilitate remittances from the several States, without drawing away their specie; an advantage in every view important.

I shall cause you shortly to be furnished with such indications of the genuine notes as will serve to guard you against counterfeits, and shall direct the manner of remitting them. In the mean time, and until further orders, you will please to receive them, transmitting to me a weekly account of your receipts and payments.

The Treasurer of the United States will probably have occasion to draw upon you for part of the compensation of the members of Congress from your State.

These drafts you will also receive in payment of the duties, or in exchange for any specie arising from them which shall have come to your hand.

I am, sir, your obedient servant,
ALEXANDER HAMILTON,
Secretary of the Treasury.

OTHO H. WILLIAMS, Esq.
Collector of the Customs for Baltimore, Md."

Thus, whilst the law of the land commanded, in the most explicit words, that the revenue should be "received in gold and silver coin only," the Secretary of the Treasury makes arrangements with banks, neither known or recognised to exist by the Constitution or laws of this Government; agrees to receive the whole revenue in their promissory notes, even though not payable on demand, and orders the

actors so to receive them. This he did by this fatal order, promulgated on the *eleventh* day after his appointment to office, on the *fifty-third* day after the passage of the revenue law, in the very presence of the Congress which passed it, still in session; and in utter contempt, equally of the Constitution, the law, and the law making power. I say, sir, this *fatal* order; fatal, because it was the first open infraction of the Constitution, as well as the law, by an officer of the Government; fatal, because it went unpunished, unrebuked; because it brought the legislative power under the control of the Secretary of the Treasury; fatal, because it first established the connection of banks with the Government; revolutionized the currency of the country, by opening a breach in the Constitution, for the first Bank of the United States; fatal, because it was the primeval sin, whose consequences, broad and deep, have accumulated upon us with each returning year, until the Congress of the United States have at last received, not an order from the Treasury Department, but a mandate from the bankers and brokers of England, not to take for revenue the notes of banks, but to guaranty the payment of debts we never contracted; debts due to those who command; and this we are ordered to do, on pain of public ruin, threatened to the States, if we dare to disobey. Yet, fatal as was this order, it was but the commencement of General Hamilton's system for the revolution of the Government. He was an imitator; and, as such, saw from the British example that, to displace one Government, and to substitute another, without noise or violence, some machinery more powerful than a Treasury order was indispensably necessary. Well, what machinery so proper as a National Bank? What foundation for a National Bank so solid as a National debt? What materials so handy for a national debt as the debts of the States? None. This the Secretary knew. His party in Congress, he also knew, might be prepared, in advance, for the deed. They had justified his Treasury order in violation of law; and this act of loyalty to him was an invitation to come forward with the balance of his schemes. Ambition needs no second call to usurpation. He took them at the word; and, like the minister of William the Third, presented his plans in full maturity to the pre-engaged favor of legislative servility. And how were they received? With distrust? How acted upon? With deliberation? No. But snatched from his hand, and, with the impatient trepidation of conscious guilt, hustled and hurried through both Houses of Congress. Mark the process.

On the 29th of September, Congress adjourned its first session. On the 4th of January, 1790, commenced its second; passed the act to *assume*, by the Federal Government, the Revolutionary debts of the States, on the fourth of the ensuing August; on the twelfth of that month, adjourned its second session; opened its third on the sixth of the following December—passed the act to *charter* the first *Bank of the United States*, on the 25th of February, 1791, and on the third of the ensuing March, adjourned its third and final session. So rapid did the Treasury order, the assumption of the debts, and the charter of the Bank succeed one another. For, though it required six years for the ministers of William the

Third to create a national debt, to revolutionize the currency—to establish a bank in coalition with the Government, concentrating in the hands of the parties coalesced, all the elements of social and political power; yet, General Hamilton, with this example before him, could effect these objects in two.—And why? Because the British Bank was already made to his hand, and he had but to locate a branch in this Government. How, and by what means? In the first place, it was necessary to create a national debt, and to throw that debt into the hands of bankers and stockjobbers in England. To this end, therefore, the Secretary of the Treasury, still faithful in his affection for the British form of Government, proceeded, through his party in Congress, to assume twenty-one millions of State debt, giving to the bonds an irredeemable quality, which he foresaw would, as it did, send them for investment to the money market of London. There they accordingly went; and the Government being indebted, and that to foreigners, an excuse was furnished for providing the facilities of payment. How could it be paid without a bank? and how could a bank be introduced, without making this very debt the basis and body of its capital stock? No. These were the only means; the Secretary had so declared; his party in Congress were ready to act upon his judgment alone; and the thing was done. Done, sir, done, within the first two years of the Government—done by the very first Congress—done by the very same men who, but forty-two days before the Secretary came into office, had solemnly enacted, that all the revenues should be received "*in gold and silver coin only*"—done by men who were elected with no such view, and who, in the haste of their obedience to the Secretary, allowed the people no opportunity, by re-election, to condemn or approve the deed.

But why this hurry to found a national debt—to establish a bank upon capital held by Englishmen—to empower it to change the currency of the country—to receive its notes for all the revenue—to deposit the public money in its vaults—to confer upon the Secretary and his party the power, through the agency of English capital, over the whole property and labor of the country; and, in the end, the power to fix the forms of English Government upon *this people*? Why this hurry? Was it because they apprehended danger to their scheme from the alarm of the people, if they were allowed time to be alarmed? Was it because delay would concentrate the public affections upon the Government as it stood; or was it because age would give to the Constitution, now green and tender, that firmness and inflexibility with which it could not be bent, without the noise of a break—changed, without the tumult of revolution? Was it for these reasons that this succession of events was hurried along to consummation, in the first two years of the Government, without one word with the people? Let those who stand upon this floor to-day—the faithful followers of Gen. Hamilton—they who on this and all occasions put forth their utmost energies to prop and defend these his maxims, and this his system—let them answer these questions to the country.

The debt was assumed, funded, held, by Englishmen—a branch of the English bank esta-

lished in this Government upon it: I say a branch of the English bank; for what else was the Bank of the United States? Who owned its stock? Who received its profits? Who, by their agents, directed its affairs? Were they Americans or Englishmen? Were they here or in London? Let the Senator from Kentucky [Mr. CLAY] answer. No; he has answered already—answered upon his responsibility as a Senator—answered upon this floor, in eighteen hundred and eleven, when he thus spoke, on the question of renewing the charter:

"The power of a nation is said to exist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse; for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars; and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of the corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions—responsibility to the people—is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this Government—would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seventieths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly upon the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English Premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other nations, ought most studiously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free Government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic, will have a proportionate influence. It is argued that our possession of this English capital gives us certain influence over the British Government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better at once exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the arguments of gentlemen on the other side. But let us put aside this theory, and appeal to the decisions of experience. Go to the other side of the Atlantic, and see what has been achieved for us there by Englishmen, holding seven-tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the orders in council—those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure that, on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against British aggression?"

The Duke of Northumberland is said to be the most considerable stockholder in the Bank of the United States. A late Lord Chancellor of England, besides other noblemen, was a large stockholder. Suppose the Prince of Essling, the Duke of Cadore, and other French dignitaries, owned seven-eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the Senate) to recharter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall give my most hearty assent to the motion for striking out the first section of the bill."

Seven-tenths of its capital stock owned by Englishmen, and they living at home—by men of whom many were, at the time, lords and officers of the British Government—by men connected in interest with the English Bank, and by principles, manners, and affections, with every thing English, with nothing American. Well, therefore, when

he saw the Bank of the United States thus owned by Englishmen, thus established among us by a party here, openly declaring their want of confidence in the people, their attachment to the British forms of government—a bank in the hands of such a party collecting the whole revenues, it notes the whole currency, its word the whole law to the property and labor of the country; well, when he saw these things, did the Senator from Kentucky exclaim:

"May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to our liberties? By whom is this immense power wielded? By a body, who, in derogation of the great principle of our institutions—responsibility to the people—is accessible only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this Government, would not the traitor first strive by force or corruption to acquire the treasure of this company?"

And again:

"Are we quite sure that, on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against the British aggressions?"

These, then, were the statements, the fears, the sentiments, of the Senator from Kentucky. They were then true, so are they now; for the truth has not changed, though the Senator has.

Can it then, for a moment, be doubted, that the first Bank of the United States, was, in fact, but a branch of the English system?—that General Hamilton and his party, who introduced it here, still entertained their old affections for the forms of the British Government? Can it be doubted, that they yet cherished the hope of engrafting the substantial features of that Government upon our Constitution? Who doubts that they brought in the banking system with that view? And who, after looking to the principles and progress of the system, can doubt that its tendencies, one and all, are infallibly to that result? No! impossible! The very question now pending before us, is but a summary of all the results—a concentration of all the effects of the system, thus far in its progress.

Yet, sir, I will not come too abruptly up to the present period, but return back upon the line of events, to the point where the system made its entrance into our Government.

The Bank was founded upon a national debt, constituting almost the entire body of its capital stock; and why? The reason is obvious. It was devised upon political motive by the founder of a political party; and the party itself was to be organized permanently upon the basis of the institution, as the controlling centre of the paper system. It was, therefore, necessary that such an institution should rest upon a foundation both durable and political by its connection with the Government. The national debt, it was evident, would subsist form any years; and was doubtless intended by the party to become, like that of England, not only permanent, but impossible of payment. Here, then, was a solid basis upon which the party could stand whilst in power, and rally if expelled. Hence it was, that, when overthrown in 1800, the Anglo-Federalists, although in a minority, humiliated with shame, fell back, and, instead of a flight, securely concentrated upon the banking system. Hence it is that we now find them there, still war-

ring for the empire of the few over the rights of the many; and hence it is, also, that we now behold that political phenomenon—a party, every political principle, every instinct of which, originates in, emanates from, and returns back into, the single idea of money; an idea to which, with them, Government itself is secondary; one form being preferred to another, only as one, more than another, may enable the few, “the rich and the well born,” to subsist upon the unrequited toil of the laborious poor. Yes, “all communities divide themselves into the few and the many; the first are the rich and well born, the other the mass of the people.” So spoke General Hamilton, the founder of the party and the paper system. Thus presenting the idea of money, no matter how acquired, as the fundamental principle of his politics, as the end of government, and government as nothing but the appropriate instrument of plunder. Whilst, on the other hand, his great antagonist, Mr. Jefferson, the illustrious founder of the ever glorious Democracy, with a soul sublimely elevated by an innate sense of justice—by an all-embracing sympathy with his countrymen—with a mind far-reaching to the future, beyond the forecast of the ablest of his age, took, nobly took, *liberty* as the basis of Government; equal freedom to all as the means of sustaining it, and the happiness of the whole people as its rightful object.

Money, then, being the fundamental principle of the Anglo-Federalists, the paper system the adopted means of making the Government subservient to this end; and the country thus drawn within the central influence of that system in England, can it be surprising that the most intense sympathies should have always subsisted between this party and that country? No: nor can it astonish any man that British instinct should prompt that people to send their capital here, in order to enlarge the paper system—to fasten its hold upon the Government and the country—to sustain a party which rests upon it, and to strengthen those sympathies of interest and affection.

And, sir, I ask, have they not succeeded? Has not the paper system, under the patronage of this party, and the stimulus of British capital, periodically applied, already expanded itself from one bank into a thousand? Has it not pervaded all the recesses of society, changed the whole currency of the country, excluded the constitutional medium, and taken its place, in spite of the Constitution? Has it not acquired control over all property, and all labor—made both tributary to its coffers—impaired the obligations between man and man—transferred the earnings of labor to hands that labor not? Has it not established among us corporate monopolies without number, and a privileged order of men, where equality of rights is enjoined by the organic law? But, above all, has it not secretly and slyly insinuated itself into all the forms of political power—diffused corruption through the whole frame and texture of our Government? Has it not, in thousands of those who claim the first rank in society, brought down every public—every individual virtue—every quality that ennobles and expands the human heart—patriotism, honor, truth, justice, courage, genius—every thing moral and intellectual in man; has it not

brought down these, and all of these, in base subordination to avarice alone? Where, in these men, are now to be found that glow of patriotism, those noble sentiments, devoting the whole man to his whole country; that heat and energy of soul which fired their fathers onward to revolution and liberty? No where—no where. But bent beneath the stern despotism of a single passion, and that the lowest in the meanest breast, they prowl through life, servile to the power which enables them to plunder, and insolent to the victim people, who are plundered by them.

Nor yet is this all. Has it not paralyzed the manufacturing energies and resources of the country; countervailed the incidental protection of your tariff—rendered your factories incapable, even with the aid of law, not only of competing with British labor in the market of the world, but incapable, also, of competition on our own soil? Have not such been its effects upon the manufacturing interests, as demonstrated most clearly but a day or two since in the powerful reasoning of the ever-powerful Senator from South Carolina, [Mr. CALHOUN?]? And whence, sir, but from this source, have originated our State debts of two hundred millions of dollars? Have not these, to the very last farthing, been incurred by advances made by Englishmen, not in money, but in the fabrics of British factories, to the almost total extinction of our own? But by what process has this been accomplished?

In the first place, the banks of the two countries being, as they are, but parts of the same system, the whole is made by the vital sympathy of the parts, to rest upon and receive its impulse from the central power. That power abides where the capital is aggregated, by which the system is stimulated into life and action. In London, then, the controlling power is found; and how is it connected? With the British Government—British manufactures—British commerce—British labor—British interests and policy—British ambition—with every thing British, and with nothing else. Every British instinct, therefore, necessarily prompts that people to enlarge the paper system among us, because, whilst that country holds the controlling power of the system, her influence over this, both political and commercial, must be proportionate to its enlargement. For this reason it is, that British policy and British capital have ever acted in concert with the Federal party, in multiplying banks, inflating the currency, and riveting the system upon us. For this reason it is, also, that British goods are so readily sent to this country in the form of loans, to be converted into bank capital—into State and company debts. And thus are we not only rendered tributary to them to the amount of the interest, but likewise, in the form of a profit-paying purchaser of manufactures, even beyond our wants, and which we are prohibited from making for ourselves, by the very power that chooses to make them for us. By these means, too, British influence over our public affairs is every hour expanding itself—entering more deeply, more fatally, into all our counsels. No wonder, then, that more than fifty out of the two hundred millions of State debt, incurred to English capitalists, by borrowing their calicoes and broadcloths, should have been invested in bank

stock alone. For every additional bank contributes its issues and discounts to swell the paper currency—to increase the desire, and furnish the means, of buying still more British fabrics—to force men, companies, and States, still deeper into debt—to close our factories—to augment our tribute, and to draw this Government and people still more within the control of England. Yes: every new wave which rises upon the onward tide of a currency already redundant, drives still more men from labor to speculation—throws individuals into companies—presses those companies upon the law-making power, for aid to accomplish their objects—imparts the general delirium even to the States themselves, until, in the end, as we now behold, men, companies, States and all, yielding to the irresistible force, are propelled forward to the extreme verge of bankruptcy, when, in the agony of endangered honor, they implore their creditors for still more loans, to pay the interest on debts already contracted.

So far, therefore, as the currency, with all its mighty consequences, can be viewed, Great Britain and the United States are, by this system, consolidated into one people; the former controlling the destinies of both, by having in possession the central power of the system. Whether this state of things shall be allowed to progress, until it produces, in future, a corresponding conformity in the Governments of the two countries; recasting the American, as General Hamilton desired it, in the mould of the English form, must depend upon the sturdy patriotism and fortitude of the great Democracy. There is safety to be found for our institutions, for public liberty, in no other quarter. For such has been, such is still, the general tendency to that result; a tendency given to public principles and public measures, by the Federal party, armed, as they are, with all the vast and complicated powers of the banks, that nothing but the stern resolution of the patriot farmer and laborer of the soil and the shop can arrest that tendency.

And now, to the just judgment of the Senate I appeal. Is not every incident I have stated, throughout the long succession of events, from the beginning of the paper system in England down to the present time, strictly, indisputably true? Are not all the effects and consequences I have ascribed to these events, deducible, infallibly, from them? Is not the grand total of these effects presented in the very question now pending before the Senate? What but the influence of the British paper system, British capital, British policy, British opinions, British manners, British feeling; what but the concentrated influence of all these, acting with dreadful energy upon our country, ever brought this question before us? Nothing. How, otherwise, came it here? What but a British edict, commanding the Government to assume the debts of the States, has called forth these resolutions that we will not assume them? Yes, I say commanded; and are we not? Are not we, the representatives of a people whose ancestors, indignant at England's demand of tribute, rose in mass, and with the sword, instead of complying, cut one half of her empire loose from the other; are not we, the descendants of such ancestors, commanded, and that by English bankers; commanded, with a menace of ruin to the States, in

case of disobedience; commanded to mortgage the whole public domain to those bankers; that domain which the valor of our fathers once wrenched from their grasp?

And how has this edict been received by a part of the Senate? Have they spurned it with that high indignation it should have excited? Did they spurn it at all? Have they joined in resistance when offered by others? Or have they, on the other hand, not only declined to condemn the mandate, but even proposed obedience to its utmost exactions, by the indirect pledge of this very domain to those bankers, through the agency of the debtor States?

When, some six weeks ago, the Senator from Missouri, [Mr. BENTON,] with that sagacity in public affairs, which has made him, among his countrymen, the man of men; when, sir, he saw the dangerous influence of England over our councils and our destinies, not only exerted indirectly through the paper system and its political party, but saw, likewise, this influence openly embodied and authoritatively put forth in the edict in question; when he saw the anxious efforts made by British interests and the friends and agents of those interests all around us, to temper and prepare our people and Government for obedience to this mandate; when he saw the danger of delay, and therefore submitted his resolutions—resolutions declaring the constitutional incompetency of this Government to assume these debts; the injustice, the fatal consequences of such assumption; when he enforced these, his views, at large in a speech; when the resolutions were, by the Senate, referred to a Select Committee, (for such was deemed their importance;) when these things transpired, what answer was made? None; none, save the indistinct uneasiness of a Senator or two, obscurely hinting their doubts and misgivings. But, on the contrary, silence, deep and dismal as the dead of night, reigned through the ranks of the Opposition; and so for weeks they continued. But observe the change. The committee now submitted their report, sustaining the resolutions against the assumption; and, at the same moment, the Senator from Massachusetts, [Mr. WEBSTER,] fresh from the purifying presence of the bankers and brokers of old England, makes his advent into the Senate. Now for the conflict. No sooner did the sound of the trumpet announce the presence of the herald, than Senators, hitherto in ambush, sprang to their feet, as if a lion had leaped in their midst. One and all now chimed in to swell the chorus of denunciation—of denunciation not of this presumptuous edict, but of the report of the committee advising disobedience to its mandates. It was the report they denounced—objected to its publication—denounced the resolutions themselves—denounced the whole proceedings—its principle and its object. And why this silence broken? Why this rage of denunciation? Under the cover of what pretext is this proceeding so violently assailed? The statement of the debts, and the refusal of this Government to pay them, might impair the credit of the States by depreciating their bonds, already in the hands of the bankers and brokers, by whom this edict is issued. This is the pretext for resisting a declaration by the Government that

it will not obey this British mandate. And what, sir, I ask, if, instead of these Senators, those English bankers themselves were upon this floor, what would they, on this occasion, do and utter? They by whom these bonds are held—they from whom this mandate issued—they who seek to make this Government, which never contracted, nevertheless, assume those debts, and that in violation of its fundamental law—what would they do and utter? Would they not utter what these Senators have uttered, word for word? Would they not do all these Senators have done, deed for deed? Who doubts it? What else could they do or say? What other than these things would their interests require, or instinct suggest? Nothing: and if so—if these British bankers, thus seeking to control this Government for their own purposes alone—if they, under the same circumstances, would pursue the exact course which American Senators are pursuing, is it not time for these Senators to pause?

But where, in truth, is the pretext for the objection thus urged to this proceeding? Is it a fact that the credit of the States can be affected by the enumeration and publicity of their debts? Were not the debts created, in the first instance, by the public laws of the States? Have they not been annually reported to the legislative bodies, by the fiscal officers of the States; and by those bodies annually republished to the world? Have the States ever sought or desired to conceal them? No. It would be worse than ridiculous to suppose it. And can it be doubted that these English bankers themselves—they who hold these bonds, who traffic to the amount of many millions in them—they who have issued this mandate—can it be doubted that these men could have exhibited to the Senator from Massachusetts, when lately among them, an exact list and tabular statement of the debts, to the very last farthing—when authorized, how secured, at what interest, and when redeemable? For it is upon these data that the standard of appreciation is fixed, and the chances of profit calculated, in the purchase and sale. And, sir, if this be true, as true it unquestionably is, how then can the publication of facts already notorious, produce an effect which that notoriety did not?

But when did these Senators become the peculiar guardians of public credit? To preserve the faith of the General Government is an object not less essential to the honor of the people than to maintain that of the several States. He, therefore, is not less an enemy to the States than to the Federal Government, who seeks to impair the integrity of the latter, however clamorous he may be in sustaining that of the former.

How, then, did those Senators act, when, on a recent occasion, not only the credit, but even the very being, of this Government was involved? Who has forgotten it? What patriot ever will, ever can, cease to remember the insurrection of 1837? I say the insurrection, not of a few inconsiderate men, prompted by real or imaginary wrongs to lift their hands against public law, and social order? No; but the insurrection of a thousand banks, deliberately planned, and simultaneously executed, throughout the Republic; an insurrection against the whole body of the people, as well as against Government and law; an insurrection of cor-

porations, not oppressed, but enjoying privileges—enjoying the possession and the use of the whole public revenues. The Government had resources, even beyond its immediate wants. Congress had made appropriations for the public service, abundant in every particular—all was in the custody of the banks as the confidential agents of the Government and the public. So stood affairs; when, without a moment's warning, the banks, the whole country over, slammed their doors in the face of the people—refused to pay their notes—refused to deliver up one dollar of the public money—calling this infamous act of treason and rebellion by the soft name of suspension. Thus, in violation of every law, was every man in the nation, and every branch of the Government, openly defied. Thus was every appropriation made by Congress seized by the banks; and the Government, in the absence of Congress, left without a dollar to execute the laws. Congress was instantly called together by the President. The two Houses assembled—they found the banks, in whose vaults the law had deposited the revenue, had not only refused to pay it over for the public service, but still refused to refund, out of the millions on deposit, even enough to cover the compensations of the members themselves. These things were fully stated by the President. He advised that, in future, those corporations should not be trusted with the public money; and that, in the mean time, Congress should provide means, either by a loan direct, or by the use of Treasury notes, to execute the laws, and keep the Government alive. Without these means, it was evident the Government must cease, in all its functions; the mails stand still; the post offices be closed; the courts discontinued; the navy be recalled from the ocean; commerce be left exposed; the army disbanded; Florida given over to conflagration and murder; Congress be adjourned; and the whole structure of the Federal Union be brought in ruins to the ground. This, every man saw, must inevitably follow, if those means were not provided, and that without delay. And yet, in an hour so perilous as this, what did those Senators do? Did they condemn the insurgent monopolies? Did they propose punishment adequate to treachery so infamous? Did they hasten to rescue the Government from a danger so imminent. No, sir; no. But, on the contrary, whilst the Government thus hung upon the verge of ruin, whilst every good citizen expected to see the arm of the law making power quickly stretched forth to save it, here stood these Senators, denouncing, not the banks as traitors, but the Government as bankrupt. Yes, denouncing the Government of their country, and that, too, in a manner to render it contemptible in the judgment of the world, and odious in the eyes of the people. Public credit! Where was then their solicitude for public credit? Nor were they satisfied with this denunciation. From day to day their utmost efforts were exerted to obstruct every measure for the relief of the Government, and to reward the treachery of the banks, by giving them anew the custody and use of the public revenues in future. A bill was introduced to extend to the importing merchants more time for the payment of their bonds for duties to the Government. All voted for it, save the Senator from Arkansas, [Mr. SEVIER,]

and he, I now believe, was the only Senator who voted correctly. Another was introduced to afford these deposit banks more time to speculate upon the public money before they refunded it, and this was unopposed. Nothing which favored the banks, however guilty, encountered the hostility of these Senators. Nothing which went to the relief of the Government, however indispensable, escaped their resistance. They the guardians of public credit, What better than such a course, at such a time, was calculated to dishonor the Government—to wound its integrity, both at home and abroad? And did they not—they who are now so sensitive about public credit—did they not then, have they not ever since, sought, by all the powers of denunciation, to depreciate the Treasury notes below even the paper of suspended banks; and for what but to debase the Government?

Truth, however, Mr. President, compels me to admit, that there is, in this proceeding, one feature which may go to discredit the indebted States; and that is the second branch of the substitute proposed by the Senator from Kentucky, [Mr. CRITTENDEN.] These are the words:

"Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States in fair and ratable proportions; and that the condition of such of the States as have contracted debts is such, at the present moment of pressure and difficulty, as to render such distribution especially expedient and important."

Here then, whilst in the report and resolutions of the committee, no word is found to question the ability or readiness of the States to meet their engagements, even to the very hour and to the last dollar, this substitute solemnly resolves "that the condition of such of the States as have contracted debts is such, at the present moment of pressure and difficulty, as to render" the "distribution" of the proceeds of the public lands "especially expedient and important." Is such their "condition?" Is such their "pressure and difficulty," that it becomes "especially expedient and important" to pay their debts for them, if they are themselves able to pay? And who is it that makes this declaration? Not we, but the Senator from Kentucky; he who, as a friend of State credit, is alarmed when others merely speak of the debts, though they be already as notorious to the world, as the existence of the States themselves.

Yet, sir, it is for a reason higher than this, that I have read this substitute. I have read it, because it proposes, in the most unequivocal language, the indirect assumption of the debts, by this Government—the very deed we are commanded to do by the British bankers, in their menacing edict. However loudly, therefore, these Senators may have hitherto denied this to be their object, here, at last, when brought to the test, it is in effect openly avowed—and the reason assigned—that the "condition" of the States, "at the present moment of pressure and difficulty," makes this indirect assumption "especially expedient and important." What more than this have these English bankers ordered us to do? What more could they desire than that we should thus mortgage to them, through the agency of the indebted States, the whole domain of the Republic? What more, than that the States of this Union should become their factors and brokers, to collect, by the officers of the Federal Government,

and to transmit to them, the annual proceeds of a vast domain, larger than five times England itself? No. The British Government, arrogant and ambitious as it is, would desire no stronger hand in the Treasury of this Government—no stronger gripe upon the throats of these States—no better means to produce dissensions among us, than this measure, were it adopted, would afford.

And now, sir, what is the proposition contained in this substitute, but the resulting consequence of that succession of events I have sought all along to pursue? The British paper system, beginning, as I have shown, in a political coalition with the King against the people, founded, in the first place, their national debt; revolutionized the currency; expanded and perpetuated both the debt and itself; drew within its coil the whole moneyed wealth of the empire; imposed a destructive tribute upon all labor and all property, and thus continued, through each successive generation, to increase the inequality of condition and the aggregate misery among men, until, at the origin of our Government, it extended itself to our shores. Here the system assumed the same form, and took the same principle, as the basis of its new empire. It commenced here, as in England, in a coalition with a political party, and selected for its ally that party which affiliated, in feeling and principles, with the forms of the British Government. It founded itself upon a national debt; and, in order to complete its identity with the mother system in England, it transferred that debt to the hands of the same English brokers who controlled the system there. Being thus established upon British capital—under British influence, and in connection with a party who deemed the British Government "the best model the world had ever produced," the system began to effect the same social and political results here, that it had there already produced. It expelled the constitutional currency and took its place; made labor and property tributary to its coffers; expanded from one into a thousand banks; centralized within itself the whole moneyed wealth of the country; communicated English feelings and English manners, wherever it went; diffused its influence through all the forms of our Government; entered into our councils; plunged the States in debt two hundred millions of dollars to British bankers, who, conscious of their power through the agency of the system here, and its party connections, have commanded this Government to assume these debts; and now, sir, we have the result of the whole—we have the direct proposition to distribute the proceeds of the public lands, for that very purpose, made by the political friends of this system, in their place in the Senate. Such, I say, is the result of the paper system; and if, instead of resisting, we adopt the policy of this substitute, we shall soon have fulfilled the utmost wishes of General Hamilton and his party—the destruction of the State Governments, and the establishment among us, of an aristocracy upon the English model.

For is it possible for any thing to be more manifest than that a distribution of the money arising from the public lands is, in fact, a distribution of revenue generally? Who does not see that if, for instance, twenty-five millions of dollars be necessary to the administration of the Government;

of that amount; five millions are brought to the Treasury from the public lands, and if this latter sum be withdrawn from the public service for distribution to the States, who does not see that you must impose an additional tax, to that extent, to supply the deficiency? Thus, therefore, in order that the Federal Government may, with one hand, distribute five millions to the States, it must begin by collecting, with the other, five millions from the people of these very States by increased taxation. Yes, more than five millions must be collected, because the expenses of collection, in the first instance, as well as those of distribution, in the second, are also to be paid. And what, sir, is the final consequence of this? It is that the Federal Government centralizes in its own hands the whole power of taxation for all objects, local and general. It taxes the people, not only generally for objects within its own competency, but enters the States, takes the place of State legislation, and taxes them anew for purposes solely of State con-

cern. What then of existence, as sovereignties, would remain to the States? What would all their residuary powers be worth? What would they be but dependent corporations—dependent upon the imperial system, to whose centre all powers and resources had huddled together?

Adopt, therefore, the policy of distribution—obey this British edict—pledge the revenue to the payment of those debts—and you will have fulfilled the destiny of the paper system; you will have accomplished the views of General Hamilton and his party; you will have answered fatally for civil liberty; you will have answered *affirmatively* the question with which I began: “Shall the Federal Government depart from the sphere of its limited powers—shall it intrude into the local jurisdiction of the States—assume the duties of State legislation—tax the people for objects of State concern—shall it thus eventually abolish the State Governments, and itself settle down into one consolidated empire?”

Secretary

REPORT OF THE SECRETARY OF THE TREASURY.

REPORT ON THE FINANCES.

TREASURY DEPARTMENT,
December 3, 1845.

In obedience to the "Act supplementary to the act to establish the Treasury Department," the undersigned respectfully submits the following report:

The receipts and expenditures for the fiscal year ending the 30th June, 1845, were as follows:

RECEIPTS AND MEANS.

From customs.....\$27,528,112 70
From sales of public lands.....2,077,022 30
From miscellaneous sources.....163,998 56

Total receipts.....29,769,133 56
Add balance in the treasury 1st July, 1844.....7,857,379 64

Total means.....37,626,513 20
The expenditures during the same fiscal year amounted to the sum of 29,968,206 98

Leaving a balance in the treasury on the 1st July, 1845, of.....7,658,306 22

As appears in detail by accompanying statement A.

The estimated receipts and expenditures for the fiscal year ending 30th June, 1846, are as follows:

RECEIPTS, VIZ:

From customs, 1st quarter, by actual returns of the collectors.....\$8,861,932 14
For second, third, and 4th quarters, as estimated.....16,638,067 86

Total from customs.....24,500,000 00
From sales of public lands.....2,200,000 00
From miscellaneous and incidental sources.....120,000 00

Total receipts.....26,820,000 00
Add balance in the treasury on the 1st July, 1845.....7,658,306 22

Total means as estimated.....34,478,306 22

EXPENDITURES, VIZ:

The actual expenditures for the first quarter ending the 30th Sept., 1845, amounted to the sum of.....\$8,463,092 41

As appears in detail by accompanying statement B. The estimated expenditures for the public service during the other three quarters, from 1st October, 1845, to 30th June, 1846, are as follows, viz:

Civil list, foreign intercourse and miscellaneous purposes.....6,739,211 06
Army proper.....2,594,735 06
Fortifications, ordnance, arming militia, &c.....2,346,778 82
Indian department, 1,649,791 94
Pensions.....1,356,556 02
Interest on public debt and treasury notes.....856,976 48
Redemption of the residue of the loan of 1841.....29,300 00
Treasury notes which are yet outstanding and payable when presented.....687,764 18
Naval establishment,.....4,902,845 93

\$29,627,051 90

Which, deducted from the total of means before stated, leaves in the treasury on the 1st July, 1846, an estimated balance of.....

4,851,254 32

But this balance is subject to be decreased by such additional appropriations as Congress shall make, to be expended during the fiscal year ending the 30th June, 1846, and to be altered by the sums which may be presented for payment of the old funded and unfunded debt and old treasury notes.

The estimated receipts, means and expenditures for the fiscal year commencing 1st July, 1846, and ending the 30th June, 1847, are as follows, viz:

*The sum of \$1,546,997 for supplying deficiency of revenue for postage, and also \$200,000 for postages of Congress and of executive officers, are included in the above sum of \$29,627,051 90.

RECEIPTS.

From customs for the four quarters	\$22,500,000 00
From sales of public lands	2,400,000 00
From miscellaneous and incidental sources	100,000 00
Total revenue	25,000,000 00
Add estimated balance to be in the treasury on the 1st July, 1845	4,851,254 32

Total means for the service of the fiscal year ending the 30th June, 1847	29,851,254 32
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EXPENDITURES.

The expenditures during the same period, as estimated by the several Departments of State, Treasury, War, Navy, and Postmaster General, viz:

The balances of former appropriations which will be required to be expended in this year, 1,441,457 10	
Permanent and indefinite appropriations	2,997,915 72
Specific appropriations asked for this year	21,079,440 43

Total estimated expenditures	25,518,813 25
This sum is composed of the following particulars:	

For civil list, foreign intercourse, and miscellaneous	5,925,292 62
For army proper	3,364,458 92
For fortifications, ordnance, arming militia, &c.	4,331,809 93
For pensions	2,507,100 00
For Indian department	2,214,916 18
For naval establishment	6,339,390 88
For interest on public debt	835,844 72

\$25,518,813 25

Which, deducted from the total of means before stated, gives an estimated balance on the 1st July, 1847, of	4,332,441 07
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The receipts for the first quarter of this year are less, by \$2,011,885 90, than the receipts of the same quarter last year. Among the causes of decrease is the progressive diminution of the importation of many highly-protected articles, and the substitution of rival domestic products. For the nine months ending June 30, 1843, since the present tariff, the average of duties upon dutiable imports was equal to 37.84 1-10 per cent.; for the year ending June 30, 1845, 33.85 9-10 per cent.; and for the year ending June 30, 1845, 29.90 per cent.—showing a great diminution in the average per centage, owing in part to increased importation of some articles bearing the lighter duties, and decreased importation of others bearing the higher duty. The revenue

The sum of \$121,000 for debt assumed for the cities in the District of Columbia, the sum of \$1,000,000 for supplying deficiency in the revenue from postage, and \$300,000 for postage for Congress and executive departments, are included in the foregoing sum of \$5,925,292 62.

from ad-valorem duties last year exceeded that realized from specific duties, although the average of the ad-valorem duties was only 23.57 per cent., and the average of the specific duties 41.30—presenting another strong proof that lower duties increase the revenue. Among the causes tending to augment the revenue, are increased emigration, and the annexation of Texas. The estimates for the expenditures of 1846 are based chiefly upon appropriations made by Congress. The estimated expenditures of 1847 are founded upon data furnished by the several departments, and are less by \$4,108,238 65 than those of the preceding year. These estimates are submitted in the full conviction that, whenever Congress, guided by an enlightened economy, can diminish the expenditures without injury to the public interest, such retrenchment will be made, so as to lighten the burden of taxation, and hasten the extinguishment of the public debt, reduced on the 1st of October last to \$17,075,445 52.

In suggesting improvements in the revenue laws, the following principles have been adopted:

1st. That no more money should be collected than is necessary for the wants of the government, economically administered.

2d. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

3d. That, below such rate, discrimination may be made, descending in the scale of duties; or, for imperative reasons, the article may be placed in the list of those free from all duty.

4th. That the maximum revenue duty should be imposed on luxuries.

5th. That all minimums, and all specific duties, should be abolished, and ad-valorem duties substituted in their place—care being taken to guard against fraudulent invoices and under-valuation, and to assess the duty upon the actual market value.

6th. That the duties should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

No horizontal scale of duties is recommended; because such a scale would be a refusal to discriminate for revenue, and might sink that revenue below the wants of the government. Some articles will yield the largest revenue at duties that would be wholly or partially prohibitory in other cases. Luxuries, as a general rule, will bear the highest revenue duties: but even some very costly luxuries, easily smuggled, will bear but a light duty for revenue; whilst other articles, of great bulk and weight, will bear a higher duty for revenue. There is no instance within the knowledge of this department of any horizontal tariff ever having been enacted by any one of the nations of the world. There must be discrimination for revenue, or the burden of taxation must be augmented, in order to bring the same amount of money into the treasury. It is difficult, also, to adopt any arbitrary maximum, to which an inflexible adherence must be demanded in all cases. Thus, upon brandy and spirits, a specific duty, varying as an equivalent ad-valorem from 180 to 261 per cent., yields a large revenue; yet no one would propose either of these rates as a maximum. These duties are too high for revenue, from the encouragement they present for smuggling these baneful luxuries; yet a duty of 20 per cent. upon brandy and spirits would be far below the revenue standard, would greatly diminish the income on

these imports, require increased burdens upon the necessities of life, and would revolt the moral sense of the whole community. There are many other luxuries which will bear a much higher duty for revenue than 20 per cent.; and the only true maximum is that which experience demonstrates will bring, in each case, the largest revenue at the lowest rate of duty. Nor should maximum revenue duties be imposed upon all articles; for this would yield too large an income, and would prevent all discrimination within the revenue standard, and require necessities to be taxed as high as luxuries. But, whilst it is impossible to adopt any horizontal scale of duties, or even any arbitrary maximum, experience proves that, as a general rule, a duty of 20 per cent. ad valorem will yield the largest revenue. There are, however, a few exceptions above, as well as many below, this standard. Thus, whilst the lowest revenue duty on most luxuries exceeds 20 per cent., there are many costly articles, of small bulk and easily smuggled, which would bring, perhaps, no revenue at a duty as high as 20 per cent., and, even at the present rate of $7\frac{1}{2}$ per cent., they will yield, in most cases, a small revenue; whilst coal, iron, sugar, and molasses, articles of great bulk and weight, yielded last year six millions of revenue, at an average rate of duty exceeding 60 per cent. ad valorem. These duties are far too high for revenue upon all these articles, and ought to be reduced to the revenue standard; but if Congress desire to obtain the largest revenue from duties on these articles, those duties, at the lowest rate for revenue, would exceed 20 per cent. ad valorem.

There are appended to this report tables, prepared with great care and labor, showing the rates of duty each year on each of these four articles, and the equivalent ad-valorem, from the organization of the government down to the present period, with the revenue collected every year upon each—from which tables, Congress will be enabled to judge how far the present rates exceed the lowest revenue duties, and how much they must be reduced, so as to yield a revenue equal to that now obtained from these articles.

It is believed that sufficient means can be obtained, at the lowest revenue duties, on the articles now subjected to duty; but if Congress desire a larger revenue, it should be procured by taxing the free articles, rather than transcend, in any case, the lowest revenue duties. It is thought, however, that, without exceeding the limit in any case, an adequate revenue will still be produced, and permit the addition to the free list of salt and guano. In one of his annual messages; Mr. Jefferson recommended to Congress "the suppression of the duties upon salt." A large portion of this duty is exhausted in heavy expenses of measuring salt, and in large sums paid for fishing bounties and allowances in lieu of the drawback of the duty, both which expenditures would fall with a repeal of the duty—which repeal, therefore, can cause no considerable reduction of the revenue. Salt is a necessary of life, and should be as free from tax as air or water. It is used in large quantities by the farmer and planter; and to the poor, this tax operates most oppressively, not only in the use of the article itself, but as combined with salted provisions. The salt made abroad by solar evaporation is also most pure and wholesome, and, as conservative of health, should be exempt from taxation.

The duty on cotton-bagging is equivalent to 55.20

per cent. ad valorem on the Scotch bagging, and to 123.11 per cent. on the gunny-bag; and yet the whole revenue from these duties has fallen to \$66,064 50. Nearly the entire amount, therefore, of this enormous tax makes no addition to the revenue, but ensures to the benefit of about thirty manufacturers. As five-sixths of the cotton crop is exported abroad, the same proportion of the bagging around the bale is exported, and sold abroad at a heavy loss, growing out of a deduction for tare. Now, as duties are designed to operate only on the domestic consumption, there ought to be a drawback of the whole duty on cotton-bagging re-exported around the bale, on the same principles on which drawbacks are allowed in other cases. The cotton planting is the great exporting interest, and suffers from the tariff in the double capacity of consumer and exporter. Cotton is the great basis of our foreign exchange, furnishing most of the means to purchase imports and supply the revenue. It is thus the source of two-thirds of the revenue, and of our foreign freight and commerce, upholding our commercial marine and maritime power. It is also a bond of peace with foreign nations, constituting a stronger preventive of war than armies or navies, forts or armaments. At present prices, our cotton crop will yield an annual product of \$72,000,000, and the manufactured fabric \$504,000,000, furnishing profits abroad to thousands of capitalists, and wages to hundreds of thousands of the working classes—all of whom would be deeply injured by any disturbance, growing out of a state of war, to the direct and adequate supply of the raw material. If our manufacturers consume 400,000 bales, it would cost them \$12,000,000, whilst selling the manufactured fabric for \$84,000,000; and they should be the last to unite in imposing heavy taxes upon that great interest which supplies them with the raw material out of which they realize such immense profits. Accompanying the drawback of the duty on cotton-bagging should be the repeal of the duty on foreign cotton, which is inoperative and delusive, and not desired by the domestic producer.

The condition of our foreign relations, it is said, should suspend the reduction of the tariff. No American patriot can desire to arrest our onward career in peace and prosperity; but if, unhappily, such should be the result, it would create an increased necessity for reducing our present high duties, in order to obtain sufficient revenue to meet increased expenditures. The duties for the quarter ending the 30th September, 1844, yielded \$2,011,885 90 more of revenue than the quarter ending 30th September, 1845—showing a very considerable decline of the revenue, growing out of a diminished importation of the highly-protected articles and progressive substitution of their domestic rivals. Indeed, many of these duties are becoming dead letters, except for the purpose of prohibition, and, if not reduced, will ultimately compel their advocates to resort to direct taxation to support the government. In the event of war, nearly all the high duties would become prohibitory, from the increased risk and cost of importations; and if there be, indeed, in the opinion of any, a serious danger of such an occurrence, it appeals most strongly to their patriotism to impose the lowest revenue duties on all articles, as the only means of securing, at such a period, any considerable income from the tariff.

The whole power to collect taxes, whether direct or indirect, is conferred by the same clause of the

constitution. The words are: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises." A direct tax or excise, not for revenue, but for protection, clearly would not be within the legitimate object of taxation; and yet it would be as much so as a duty imposed for a similar purpose. The power is "to lay and collect taxes, duties, imposts, and excises." A duty must be laid only that it may be collected; and, if it is so imposed that it cannot be collected, in whole or in part, it violates the declared object of the granted power. To lay all duties so high that none of them could be collected, would be a prohibitory tariff. To lay a duty on any one article so high that it could not be collected, would be a prohibitory tariff upon that article. If a duty of 100 per cent. was imposed upon all or upon a number of articles, so as to diminish the revenue upon all or any of them, it would operate as a partial prohibition. A partial and a total prohibition are alike in violation of the true object of the taxing power. They only differ in degree, and not in principle. If the revenue limit may be exceeded one per cent., it may be exceeded one hundred. If it may be exceeded upon any one article, it may be exceeded on all; and there is no escape from this conclusion, but in contending that Congress may lay duties on all articles so high as to collect no revenue, and operate as a total prohibition.

The constitution declares that "all bills for raising revenue shall originate in the House of Representatives." A tariff bill, it is conceded, can only originate in the House, because it is a bill for raising revenue. That is the only proper object of such a bill. A tariff is a bill to "lay and collect taxes." It is a bill for "raising revenue;" and whenever it departs from that object, in whole or in part, either by total or partial prohibition, it violates the purpose of the granted power.

In arranging the details of the tariff, it is believed that the maximum revenue duties should be imposed upon luxuries. It is deemed just that taxation, whether direct or indirect, should be as nearly as practicable in proportion to property. If the whole revenue were raised by a tax upon property, the poor, and especially those who live by the wages of labor, would pay but a very small portion of such tax; whereas, by the tariff, the poor, by the consumption of various imports, or of domestic articles enhanced in price by the duties, pay a much larger share of the taxes than if they were collected by an assessment in proportion to property. To counteract, as far as possible, this effect of the tariff—to equalize its operation, and make it approximate as nearly as may be to a system of taxes in proportion to property—the duties upon luxuries, used almost exclusively by the rich, should be fixed at the highest revenue standard. This would not be discriminating in favor of the poor, however just that might be within the revenue limit; but it would mitigate, as far as practicable, that discrimination against the poor which results from every tariff, by compelling them to pay a larger amount of the taxes than if assessed and collected on all property in proportion to its value. In accordance with these principles, it is believed that the largest practicable portion of the aggregate revenue should be raised by maximum revenue duties upon luxuries, whether grown, produced, or manufactured, at home or abroad.

An appeal has been made to the poor by the friends of protection, on the ground that it augments the wages of labor. In reply, it is contended

that the wages of labor have not augmented since the tariff of 1842, and that in some cases they have diminished.

Where the number of manufactories is not great, the power of the system to regulate the wages of labor is inconsiderable; but as the profit of capital invested in manufactories is augmented by the protective tariff, there is a corresponding increase of power, until the control of such capital over the wages of labor becomes irresistible. As this power is exercised from time to time, we find it resisted by combinations among the working classes—by turning out for higher wages, or for shorter time; by trades-union; and in some countries, unfortunately, by violence and bloodshed. But the government, by protective duties, arrays itself on the side of the manufacturing system, and, by thus augmenting its wealth and power, soon terminates in its favor the struggle between man and money—between capital and labor. When the tariff of 1842 was enacted, the maximum duty was 20 per cent. By that act, the average of duties on the protected articles was more than doubled. But the wages of labor did not increase in a corresponding ratio, or in any ratio whatever. On the contrary, whilst wages in some cases have diminished, the prices of many articles used by the working classes have greatly appreciated.

A protective tariff is a question regarding the enhancement of the profits of capital. That is its object, and not to augment the wages of labor, which would reduce those profits. It is a question of per centage, and is to decide whether money vested in our manufactories shall, by special legislation, yield a profit of ten, twenty, or thirty per cent., or whether it shall remain satisfied with a dividend equal to that accruing from the same capital, when invested in agriculture, commerce, or navigation.

The present tariff is unjust and unequal, as well in its details as in the principles upon which it is founded. On some articles, the duties are entirely prohibitory, and on others there is a partial prohibition. It discriminates in favor of manufactories, and against agriculture, by imposing many higher duties upon the manufactured fabric than upon the agricultural product out of which it is made.

It discriminates in favor of the manufacturer, and against the mechanic, by many higher duties upon the manufacture, than upon the article made out of it by the mechanic. It discriminates in favor of the manufacturer, and against the merchant, by injurious restrictions upon trade and commerce; and against the ship building and navigating interest, by heavy duties on almost every article used in building or navigating vessels. It discriminates in favor of manufactures, and against exports, which are as truly the product of American industry as manufactures. It discriminates in favor of the rich, and against the poor, by high duties upon nearly all the necessities of life, and by minimums and specific duties, rendering the tax upon the real value much higher on the cheaper than upon the finer article.

Minimums are a fictitious value, assumed by law, instead of the real value; and the operation of all minimums may be illustrated by a single example. Thus, by the tariff of 1842, a duty of 30 per cent. ad valorem is levied on all manufactures of cotton; but the law further provides that cotton goods "not dyed, colored, printed, or stained, not exceeding in value twenty cents per square yard, shall be valued at twenty cents per square yard." If, then, the real value of the cheapest cotton goods is but four cents

a square yard, it is placed by the law at the false value of twenty cents per square yard, and the duty levied on the fictitious value—raising it five times higher on the cheap article consumed by the poor, than upon the fine article purchased by the more wealthy. Indeed, by House document No. 306, of the 1st session of the 28th Congress, this difference, by actual importation, was 65 per cent. between the cheaper and the finer article of the 20-per-cent. minimum, 131 per cent. on the 30-per-cent. minimum, 48½ per cent. on the 35-per-cent. minimum, 84 per cent. on the 60-per-cent. minimum, and 84 per cent. on the 75-per-cent. minimum. This difference is founded on actual importation, and shows an average discrimination against the poor on cotton imports of 82 per cent. beyond what the tax would be if assessed upon the actual value. The operation of the specific duty presents a similar discrimination against the poor and in favor of the rich. Thus, upon salt, the duty is not upon the value, but it is eight cents a bushel, whether the article be coarse or fine—showing, by the same document, from actual importation, a discrimination of 64 per cent. against the cheap, and in favor of the finer article; and this, to a greater or less extent, is the effect of all specific duties. When we consider that \$2,892,621 74 of the revenue last year was collected by minimum duties, and \$13,311,085 46 by specific duties, the discrimination against the cheaper article must amount, by estimates founded on the same document, to a tax of \$5,108,422, exacted by minimums and specific duties annually from the poorer classes, by raising thus the duties on the cheaper article above what they would be if the duty were assessed upon the actual value. If direct taxes were made specific, they would be intolerable. Thus, if an annual tax of thirty dollars was assessed on all houses, without respect to their actual value, making the owner of the humble tenement or cabin pay a tax of thirty dollars, and the owner of the costly mansion a tax of but thirty dollars on their respective houses,—it would differ only in degree, but not in principle, from the same unvarying specific duty on cheap as on fine articles. If any discrimination should be made, it should be the reverse of the specific duty, and of the minimum principle, by establishing a maximum standard, above which value the duty on the finer articles should be higher, and below which they should be lower on the cheaper article. The tax upon the actual value is the most equal, and can only be accomplished by ad-valorem duties. As to fraudulent invoices and under-valuation, these dangers are believed to be arrested effectually by the stringent provisions and severe penalty of the 17th section of the tariff of 1842; and now one-half the revenue is collected from ad-valorem duties.

At least two-thirds of the taxes imposed by the present tariff are paid, not into the treasury, but to the protected classes. The revenue from imports last year exceeded twenty-seven millions of dollars. This, in itself, is a heavy tax; but the whole tax imposed upon the people by the present tariff is not less than eighty-one millions of dollars—of which twenty-seven millions are paid to the government upon the imports, and fifty-four millions to the protected classes, in enhanced prices of similar domestic articles.

This estimate is based upon the position that the duty is added to the price of the import, and also of its domestic rival. If the import is enhanced in price by the duty, so must be the domestic rival; for, being like articles, their price must be the same in

the same market. The merchant advances in cash the duty on the import, and adds the duty, with a profit upon it, and other charges, to the price—which must therefore be enhanced to that extent; unless the foreign producer had first deducted the duty from the price. But this is impossible; for such now is, and long has been, the superabundance of capital and active competition in Europe, that a profit of six per cent. in any business is sufficient to produce large investments of money in that business; and if, by our tariff, a duty of forty per cent. be exacted on the products of such business, and the foreign producer deducts that duty from his previous price, he must sustain a heavy loss. This loss would also soon extend beyond the sales for our consumption to sales to our merchants of articles, to be re-exported by them from our ports with a drawback of duty, which would bring down their price throughout the markets of the world. But this the foreign producer cannot afford. The duty, therefore, must be added to the price, and paid by the consumer—the duty constituting as much a part of the price, as the cost of production.

If it be true that, when a duty of forty per cent. is imposed by our tariff, the foreign producer first deducts the duty from the previous price on the sale to our merchant, it must be equally true with a duty of one hundred per cent., which is exactly equal to the previous price, and, when deducted, would reduce the price to nothing.

The occasional fall in price of some articles after a tariff, is no proof that this was the effect of the tariff; because, from improved machinery, diminished prices of the raw material, or other causes, prices may fall even after a tariff, but they would in such cases have fallen much more but for the tariff. The truest comparison is between the present price of the same article at home and abroad; and to the extent that the price is lower in the foreign market than in our own, the duty, if equal to that difference, must to that extent enhance the price, and in the same ratio with the lower duty. The difference in price at home and abroad is generally about equal to the difference in the cost of production, and presents, in a series of years, the surest measure of the effect of the duty—the enhancement in price being equal to that difference if the duty be higher than that difference or equal to it, or if the duty be lower, then the enhancement is equal to the duty; and if the article is produced, like cotton, more cheaply here than abroad, the duty is inoperative. The great argument for the tariff is, that, foreign labor being cheaper than our own, the cost of foreign production, it is said, is lessened to that extent; and that we must make up this difference by an equivalent duty, and a corresponding enhancement of price, in our own market, both of the foreign article and of its rival domestic product—thus rendering the duty a tax on all consumers, for the benefit of the protected classes. If the Marshal were sent by the federal government to collect a direct tax upon the whole people, to be paid over to manufacturing capitalists, to enable them to sustain their business, or realize a larger profit, it would be the same in effect as the protective duty, which, when analyzed in its simplest elements, and reduced to actual results, is a mere subtraction of so much money from the people, to increase the revenues of the protected classes. Legislation for classes is against the doctrine of equal rights, and repugnant to the spirit of our free institutions, and, it is apprehended by many, may become but another form for privileged orders, under the

name of protection, instead of privilege—indicated here not by rank or title, but by profits and dividends, extracted from the many, by taxes upon them, for the benefit of the few. No prejudice is felt by the Secretary of the Treasury against manufacturers. His opposition is to the protective system, and not to classes or individuals. He doubts not that the manufacturers are sincerely persuaded that the system which is a source of so much profit to them, is beneficial also to the country. He entertains a contrary opinion, and claims for the opponents of the system a settled conviction of its injurious effects. Whilst a due regard to the just and equal rights of all classes forbids a discrimination in favor of the manufacturers, by duties above the lowest revenue limit, no disposition is felt to discriminate against them by reducing such duties as operate in their favor below that standard. Under revenue duties, it is believed, they would still receive a reasonable profit—equal to that realized by those engaged in other pursuits; and it is thought they should desire no more, at least through the agency of governmental power. Equal rights and profits, so far as laws are made, best conform to the principles upon which the constitution was founded, and with an undeviating regard to which all its functions should be exercised—looking to the whole country, and not to classes or sections.

Soil, climate, and other causes, vary very much, in different countries, the pursuits which are most profitable in each; and the prosperity of all of them will be best promoted by leaving them, unrestricted by legislation, to exchange with each other those fabrics and products which they severally raise most cheaply. This is clearly illustrated by the perfect free trade which exists among all the States of the Union, and by the acknowledged fact that any one of these States would be injured by imposing duties upon the products of the others. It is generally conceded that reciprocal free trade among nations would best advance the interest of all. But it is contended that we must meet the tariffs of other nations by countervailing restrictions. That duties upon our exports by foreign nations are prejudicial to us, is conceded; but whilst this injury is slightly felt by the manufacturers, its weight falls almost exclusively upon agriculture, commerce, and navigation. If those interests which sustain the loss do not ask countervailing restrictions, it should not be demanded by the manufacturers, who do not feel the injury, and whose fabrics, in fact, are not excluded by the foreign legislation of which they complain. That agriculture, commerce, and navigation are injured by foreign restrictions, constitutes no reason why they should be subjected to still severer treatment, by additional restrictions and countervailing tariffs enacted at home. Commerce, agriculture, and navigation, harassed as they may be by foreign restrictions, diminishing the amount of exchangeable products which they could otherwise purchase abroad, are burdened with heavier impositions at home. Nor will augmented duties here lead to a reduction of foreign tariffs; but the reverse, by furnishing the protected classes there with the identical argument used by the protected classes here against reduction. By countervailing restrictions, we injure our own fellow-citizens much more than the foreign nation at whom we purpose to aim their force; and, in the conflict of opposing tariffs, we sacrifice our own commerce, agriculture, and navigation. As well might we impose monarchical or aristocratic

restrictions on our government or people, because that is the course of foreign legislation. Let our commerce be as free as our political institutions. Let us, with revenue duties only, open our ports to all the world, and nation after nation will soon follow our example. If we reduce our tariff, the party opposed to the corn laws of England would soon prevail, and admit all our agricultural products at all times freely into her ports, in exchange, for her exports. And if England would now repeal her duties upon our wheat, flour, Indian corn, and other agricultural products, our own restrictive system would certainly be doomed to overthrow. If the question is asked, Who shall begin this work of reciprocal reduction? it is answered by the fact, that England has already abated her duties upon most of our exports. She has repealed the duty upon cotton, and greatly reduced the tariff upon our breadstuffs, provisions, and other articles; and her present bad harvest, accompanied by a reduction of our tariff, would lead to the repeal of her corn laws, and the unrestricted admission, at all times, of our agricultural products. The manufacturing interest opposes reciprocal free trade with foreign nations. It opposed the Zoll-Verein treaty; and it is feared that no other treaty producing a reciprocal reduction of our own and foreign tariffs will receive its support. If that interest preferred a reciprocal exchange of our own for foreign fabrics at revenue duties, it would not have desired a tariff operating, without exception, against all nations that adopted low, as well as high tariffs; nor would it have opposed every amendment proposing, when the tariff of 1842 was under consideration, a reduction of our duties upon the exports of such nations as would receive, free of duty, our flour and other agricultural products. If that interest desired reciprocal free trade with other nations, it would have desired a very different tariff from that of 1842. It would have sought to confine the high duties to those cases where the foreign importer would sell his imports for cash only; and admitted a drawback of one-half of the duty where American exports would be taken abroad in exchange—not an actual barter of foreign imports for an equal amount in value of our products, but without any barter, where a sum equal to the value of their exports was used in purchasing here an equal amount in value of any of our products; and the shipment made abroad of these products, upon the same principle under which a drawback of duties is now allowed on the re-exportation of foreign imports. This would be less simple, and is not recommended in lieu of that absolute reduction of the duties, which will accomplish the same object of unrestricted exchange. But such a provision would be a self-executing reciprocity law, and should be desired by those believing in countervailing tariffs against foreign nations, but in reciprocal free trade with all—thus enabling our farmers and planters to sell their products for cheaper foreign manufactures, getting more for what they sell, and paying less for what they purchase in exchange. It seems strange, that while the profit of agriculture varies from 1 to 8 per cent., that of manufactures is more than double. The reason is, that whilst the high duties secure nearly a monopoly of the home market to the manufacturer, the farmer and planter are deprived to a great extent of the foreign market by these duties. The farmer and planter are, to a great extent, forbidden to buy in the foreign market, and confined to the domestic articles enhanced

in price by the duties. The tariff is thus a double benefit to the manufacturer, and a double loss to the farmer and planter—a benefit to the former, in nearly a monopoly of the home market, and in enhanced prices of their fabrics; and a loss to the latter, in the payment of those high prices, and in total or partial exclusion from the foreign market. The true question is, whether the farmer and planter shall, to a great extent, supply our people with cheap manufactures, purchased abroad with their agricultural products, or whether this exchange shall be forbidden by high duties on such manufactures, and their supply thrown, as a monopoly, at large prices, by high tariffs, into the hands of our own manufacturers. The number of manufacturing capitalists who derive the benefit from the heavy taxes extracted by the tariff from twenty millions of people, does not exceed ten thousand. The whole number (including the working classes engaged in our manufactures) deriving any benefit from the tariff, does not exceed 400,000, of whom not more than 40,000 have been brought into this pursuit by the last tariff. But this small number of 40,000 would still have been in the country, consuming our agricultural products; and in the attempt to secure them as purchasers, so small in number, and not consuming one-half the supply of many counties, the farmer and planter are asked to sacrifice the markets of the world, containing a population of eight hundred millions, disabled from purchasing our products by our high duties on all they would sell in exchange. The farmer and planter would have the home market without a tariff; and they would have the foreign market also to a much greater extent, but for the total or partial prohibition of the last tariff.

We have more fertile lands than any other nation, can raise a greater variety of products, and, it may be said, could feed and clothe the people of nearly all the world. The home market, of itself, is wholly inadequate for such products. They must have the foreign market, or a large surplus, accompanied by great depression in price, must be the result. The States of Ohio, Indiana, and Illinois, if cultivated to their fullest extent, could, of themselves, raise more than sufficient food to supply the entire home market. Missouri or Kentucky could more than supply it with hemp; already the State of Mississippi raises more cotton than is sufficient for all the home market; Louisiana is rapidly approaching the same point as to sugar; and there are lands enough adapted to that product in Louisiana, Texas, and Florida, to supply with sugar and molasses nearly all the markets of the world. If cotton is depressed in price by the tariff, the consequence must be a comparative diminution of the product, and the raising in its place, to a great extent, hemp, wheat, corn, stock, and provisions, which otherwise would be supplied by the teeming products of the West. The growing West, in a series of years, must be the greatest sufferers by the tariff, in depriving them of the foreign market, and of that of the cotton-growing States. We demand, in fact, for our agricultural products, specie from nearly all the world, by heavy taxes upon all their manufactures; and their purchases from us must therefore be limited, as well as their sales to us enhanced in price. Such a demand for specie, which we know in advance cannot be complied with, is nearly equivalent to a decree excluding most of our agricultural products from

the foreign markets. Such is the rigor of our restrictions, that nothing short of a famine opens freely the ports of Europe for our breadstuffs. Agriculture is our chief employment; it is best adapted to our situation, and, if not depressed by the tariff, would be the most profitable. We can raise a larger surplus of agricultural products, and a greater variety, than almost any other nation, and at cheaper rates. Remove, then, from agriculture all our restrictions, and, by its own unfettered power, it will break down all foreign restrictions, and, our own being removed, would feed the hungry and clothe the poor of our fellow-men throughout all the densely-peopled nation of the world. But now we will take nothing in exchange for these products but specie, except at very high duties; and nothing but a famine breaks down all foreign restrictions, and opens for a time the ports of Europe to our breadstuffs. If, on a reduction of our duties, England repeals her corn laws, nearly all Europe must follow her example, or give to her manufacturers advantages which cannot be successfully encountered in most of the markets of the world. The tariff did not raise the price of our breadstuffs; but a bad harvest in England does—giving us for the time that foreign market which we would soon have at all times, by that repeal of the corn laws which must follow the reduction of our duties. But whilst breadstuffs rise with a bad harvest in England, cotton almost invariably falls; because the increased sum which, in that event, England must pay for our breadstuffs, we will take, not in manufactures, but only in specie; and, not having it to spare, she brings down, even to a greater extent, the price of our cotton. Hence the result, that a bad harvest in England reduces the aggregate price of our exports, often turns the exchanges against us, carrying our specie abroad, and inflicting a serious blow on our prosperity. Foreign nations cannot for a series of years import more than they export; and, if we close our markets against their imports by high duties, they must buy less of our exports, or give a lower price, or both.

Prior to the 30th of June, 1842, a credit was given for the payment of duties; since which date, they have been collected in cash. Before the cash duties and the tariff of 1842, our trade in foreign imports re-exported abroad afforded large and profitable employment to our merchants, and freight to our commercial marine, both for the inward and outward voyage; but, since the last tariff, this trade is being lost to the country, as is proved by the tables hereto annexed. The total amount of foreign imports re-exported during the three years since the last tariff, both of free and dutiable goods, is \$33,384,394—being far less than in any three years (except during the war) since 1793, and less than was re-exported in any one of eight several years. The highest aggregate of any three years was \$173,103,813, and the lowest aggregate \$41,315,705—being in the years 1794, 1795, and 1796. Before 1820, the free goods are not distinguished in this particular from dutiable goods; but since that date, the returns show the following result: During the three years since the tariff of 1842, the value of dutiable imports re-exported was \$12,590,811—being less than in any one of seven years preceding since 1820 the lowest aggregate of any three years since that date being \$14,918,444, and the highest \$57,727,293. Even before the cash duties, for five years preceding the high tariff of 1828, the value of dutiable goods re-exported was \$94,796,241; and for the five years succeeding that tariff, \$66,784,192—

showing a loss of \$28,020 49 of our trade in foreign exports after the tariff of 1823. The great diminution of this most valuable branch of commerce has been the combined result of cash duties and of the high tariff of 1842. If the cash duties are retained, as it is believed they should be, the only sure method of restoring this trade is the adoption of the warehousing system, by which the foreign imports may be kept in store by the government until they are required for re-exportation abroad, or consumption at home—in which latter contingency, and at the time when for that purpose they are taken out of these stores for consumption, the duties are paid, and, if re-exported, they pay no duty, but only the expense of storage. Under the present system, the merchant introduces foreign imports of the value of \$100,000. He must now, besides the advance for the goods, make a further advance in cash, in many cases, of \$50,000 for the duties. Under such a system, but a small amount of goods will be imported for drawbacks, and the higher the duty, the larger must be the advance, and the smaller the imports for re-exportation.

The imports before payment of duties, under the same regulations now applied to our imports in transit to Canada, may be taken from warehouse to warehouse—from the East to the lakes, and to Pittsburgh, Cincinnati, and Louisville—from New Orleans to Natchez, Vicksburg, Memphis, and St. Louis—and warehoused in these and other interior ports, the duties remaining unpaid until the goods are taken out of the warehouse, and out of the original package, at such ports, for consumption; thus carrying our foreign commerce into the interior, with all the advantage of augmented business and cheaper supplies throughout the country. It will introduce into our large ports on or near the seaboard assorted cargoes of goods, to be re-exported with our own, to supply the markets of the world. It will cheapen prices to the consumer, by deducting the interest and profit that are now charged upon the advance of duty—building up the marts of our own commerce, and giving profitable employment to our own commercial marine. It will greatly increase our revenue, by augmenting our imports, together with our exports; and is respectfully recommended to Congress, as an important part of the whole system now proposed for their consideration.

The act of the 3d of March last, allowing a drawback on foreign imports exported from certain ports to Canada, and also to Santa Fe and Chihuahua, in Mexico, has gone, to some extent, into effect, under regulations prescribed by this department, and is beginning to produce the most happy results—especially in an augmented trade in the supply of foreign exports to Canada from our own ports. Indeed, this law must soon give to us the whole of this valuable trade during the long period when the St. Lawrence is closed by ice, and a large proportion of it at all seasons. The result would be still more beneficial, if Canada were allowed to carry all her exports to foreign nations in transitu through our own railroads, rivers, and canals, to be shipped from our own ports. Such a system, whilst it would secure to us this valuable trade, would greatly enlarge the business on our rivers, lakes, railroads, and canals, as well as augment our commerce; and would soon lead to the purchase, by Canada, not only of our foreign exports, but also, in many cases, of our domestic products and fabrics, to complete an assortment. In this manner, our commercial relations with Canada would become

more intimate, and more and more of her trade, every year, would be secured to our people.

Connected with this department, and the finances, is the question of the sales of the public lands. The proceeds of these sales, it is believed, should continue to constitute a portion of the revenue, diminishing to that extent the amount required to be raised by the tariff. The net proceeds of these sales paid into the treasury during the last fiscal year, was \$2,077,022 30; and from the first sales in 1787 up to the 30th of September last, was \$118,607,335 91. The average annual sales have been much less than two millions of acres; yet the aggregate net proceeds of the sales in 1834, 1835, 1836, and 1837, was \$51,268,617 82. Those large sales were almost exclusively for speculation; and this can only be obviated, at all times, by confining the sales to settlers and cultivators in limited quantities, sufficient for farms or plantations. The price at which the public lands should be sold is an important question to the whole country, but especially to the people of the new States, living mostly remote from the seaboard, and who have scarcely felt the presence of the government in local expenditures, but chiefly in the exhaustion of their means for purchases of public lands and for customs. The public lands are not of the same value; yet they are all fixed at one unvarying price, which is far above the value of a large portion of these lands. The quantity now subject to entry at the minimum price of \$1 25 per acre is 133,307,457 acres, and 109,035,345 in addition, to which the Indian title has been extinguished—being an aggregate of 242,342,802 acres, and requiring a century and a quarter to complete the sales at the rate they have progressed heretofore—without including any of the unsold lands of Texas or Oregon, or of the vast region besides to which the Indian title is not yet extinguished. It is clear, then, that there is a vast and annually-increasing surplus of public lands, very little of which will be sold within any reasonable period at the present price, and in regard to which the public interest would be promoted, and the revenue augmented, by reducing the price. The reduction of the price of the public lands in favor of settlers and cultivators, would enhance the wages of labor. It is an argument urged in favor of the tariff, that we ought to protect our labor against what is called the pauper labor of Europe. But whilst the tariff does not enhance the wages of labor, the sales of the public lands at low prices, and in limited quantities, to settlers and cultivators, would accomplish this object. If those who live by the wages of labor could purchase 320 acres of land for \$30, 160 for \$40, or 80 for \$20, or 40-acres lots for \$10, the power of the manufacturing capitalist in reducing the wages of labor would be greatly diminished; because, when these lands were thus reduced in price, those who live by the wages of labor could purchase farms at these low rates, and cultivate the soil for themselves and families, instead of working for others twelve hours a-day in the manufacturing factories. Reduce the price which the laborer must pay for the public domain; bring thus the means of purchase within his power; prevent all speculation and monopoly in the public lands; confine the sales to settlers and cultivators, in limited quantities; preserve these hundreds of millions of acres, for ages to come, as homes for the poor and oppressed; reduce the taxes, by reducing the tariff, and bringing down the prices which the poor are thus compelled to pay for all the necessities and comforts of life,—and more will be done for the benefit of American

labor than if millions were added to the profits of manufacturing capital by the enactment of a protective tariff.

The Secretary of the Treasury, on coming into office, found the revenues deposited with banks. The law establishing the independent treasury was repealed; and the Secretary had no power to re-establish that system. Congress had not only repealed that law, but, as a substitute, had adopted the present system of deposit banks, and prohibited changing any one of those for another bank, except for specified reasons. No alternative was left but to continue the existing system until Congress should think proper to change it. That change, it is hoped, will now be made by a return to the treasury of the constitution. One of the great evils of banks is the constant expansion and contraction of the currency; and this evil is augmented by the deposit of the revenue with banks, whether state or national. The only proper course for the government is to keep its own money separate from all banks and bankers, in its own treasury—whether in the mint, branch mints, or other government agencies—and to use only gold and silver coin in all receipts and disbursements. The business of the country will be more safe when an adequate supply of specie is kept within our limits, and its circulation encouraged by all the means within the power of this government. If this government, and the States, and the people, unite in suppressing the use of specie, an adequate supply, for want of a demand, cannot be kept within our limits; and the condition of the business and currency of the country will be perilous and uncertain. It will be completely within the power of the banks, whose paper will constitute the exclusive circulation of the whole community. Nor will it be useful to establish a constitutional treasury, if it is to receive or disburse the paper of banks. Separation from the banks in that case would only be nominal, and no addition would be made to the circulation of gold and silver.

Various forms of paper credit have been suggested, as connected with the operations of the constitutional treasury; but they are all considered as impairing one of the great objects of such a treasury—namely, an augmented circulation of specie. If paper, in whatever form, or from whatever source it may issue, should be introduced as a circulation by the constitutional treasury, it would, precisely to that extent, diminish its use as a means of circulating gold and silver.

The constitutional treasury could be rendered a most powerful auxiliary of the mint in augmenting the specie circulation. The amount of public money which can be placed in the mint is now limited by law to one million of dollars; and to that extent it is now used as a depository, and as a means of increasing our coinage. It is suggested that this limitation may be so modified as to permit the use of our mint and branch mints for a much larger sum in connexion with the constitutional treasury. The amount of public money received at New York greatly exceeds that collected at all other points, and would of itself seem to call for a place of public deposit there; in view of which, the location of a branch of the mint of the United States at that city would be most convenient and useful. The argument used against a constitutional treasury, of the alleged insecurity of the public funds in the hands of individuals, and especially the vast amount collected

at New York, will be entirely obviated by such establishment. The mint of the United States has now been in existence 52 years. It has had the custody of upward of 114,600,000 of dollars; and during this long period of time, there never has been a loss of any of its specie in the mint by the government. The mint at Philadelphia is now conducted with great efficiency, by the able and faithful officer at the head of that establishment, whose general supervisory authority, without leaving the parent mint, might still be wisely extended to the branch at New York. Besides the utility of such a branch as a place for keeping safely and disbursing the public money, it is believed that the coinage might be greatly augmented by the existence of a branch of the mint at that great city. It is there that two-thirds of the revenue is annually collected—the whole of which, under the operation of the constitutional treasury, would be received in specie. Of that amount, a very large sum would be received in coin of other countries, and especially in foreign gold coins—all of which could be speedily converted, upon the spot, into our own coins of gold and silver. The amount also of such foreign coin brought by emigrants to the city of New York is very considerable; a large portion of which would find its way to the branch of the mint for re-coinage. The foreign gold coins do not, and it is feared will not, circulate generally as a currency, notwithstanding they are made a tender by law. The rate at which these coins are fixed by law is not familiar to the people; the denomination of such coin is inconvenient; the parts into which it is divided are not decimal; the rates at which it is taken vary in different parts of the Union. It is inconvenient in the way of ready transfer in counting; it is more difficult, in common use, to distinguish the genuine from the counterfeit foreign coin; and the stamp upon it is not familiar to the people—from all which causes, a foreign gold coin does not, and will not, circulate generally as a currency among the people. In many of the banks, nearly the whole of their specie is kept in every variety of foreign gold coin; and when it is tendered by them in payment of their notes, the great body of the people, not being familiar with these coins, do not receive them; and thus the circulation of a gold currency is, to a great extent, defeated. If these coins were converted at our mint, or branch mints, into the eagle, the half-eagle, and quarter-eagle, we should speedily have a large supply of American gold coin, and it would very soon be brought into common use as a currency, and thus give it greater stability, and greater security to all the business of the country. A considerable amount of foreign gold coin has, during the present year, under the directions of this department, been converted into American gold coin; but the process would be much more rapid if aided by the organization of the constitutional treasury, and the establishment of a branch of the mint at the great commercial emporium of the Union. With the mint and branch mints as depositories, the sum remaining in the hands of other receivers of public moneys, whether of lands or customs, would be inconsiderable, and the government could be readily protected from all losses of such sums by adequate bonds, and the power, by law, to convict and punish as criminals all who embezzle the public moneys.

It is believed, under such a system, that no defaults would take place, and that the public moneys would be safely kept and disbursed in gold and sil-

ver. This government is made, by the constitution, the guardian of a specie currency. That currency can only be coined, and its value regulated, by this government. It is one of its first duties to supply such a currency, by an efficient mint, and by general regulations of the coinage; but in vain will it attempt to perform that duty, if, when coin is made or regulated in value, this government dispenses with its use, and expels it from circulation, or drives it out of the country, by substituting the paper of banks in all the transactions of the government.

There is nothing which will advance so surely the prosperity of the country as an adequate supply of specie, diffused throughout every portion of the Union, and constituting, to a great extent, the ordinary circulation everywhere among the people. It is a currency that will never break nor fail; it will neither expand nor contract beyond the legitimate business of the country; it will lead to no extravagant speculations at one time, to be followed by certain depression at another; nor will labor ever be robbed of its reward by the depreciation of such currency. There is no danger that we shall have too much gold and silver in actual circulation, or too small an amount of bank paper, or that any injury ever will be inflicted upon the business of the country, by a diminution of the circulation of the paper of banks, and the substitution in its place, to that extent, of gold and silver. Even their most ardent advocates must admit that banks are subject to periodical expansions and contractions, and that this evil would be increased by giving them the funds of the government to loan, and by receiving and disbursing nothing but their paper.

It is believed that the permanent interest of every class of the people will be advanced by the establishment of the constitutional treasury, and that the manufacturers especially will derive great benefits from its adoption. It will give stability to all their operations, and insure them, to a great extent, against those fluctuations, expansions, and contractions of the currency so prejudicial to their interests. By guarding against inflations of the currency, it will have a tendency to check periodical excesses of foreign importations purchased in fact upon credit; while loans from banks, or dangerous enlargements of their business, and excessive issues of their paper, will be greatly diminished. Whilst a sound and stable currency guards the manufacturer against excessive importations from abroad, it protects him from disasters at home, and from those ruinous revulsions in which so many thousands are reduced to bankruptcy. The tariff, if followed, as in the absence of adequate checks it certainly soon will be, by an inflated currency, whilst it thus enhances the expenses of manufacturing at home, will speedily and certainly raise prices up to the whole amount of the duty, so as to repeal the operation of that duty in favor of the manufacturer, and enable the foreign importer again to flood the market, at the enhanced prices arising from an inflated currency. But soon the revulsion comes, and all are overwhelmed in a common ruin. The currency is reduced below the wants of the country, by a sudden and ruinous contraction; and the labor and industry of years are required to repair the mischief. Stability, both in the tariff and the currency, is what the manufacturer should most desire. Let the tariff be permanently adjusted, by a return to reasonable and moderate revenue duties—which, even when imposed truly and in good faith for that purpose, will yield sufficient

advantage to afford reasonable profits; and let this permanent system (and none other can be permanent) be established, and accompanied by a stable currency—and the manufacturer, in a series of years, will derive the greatest benefits from the system. The present system cannot be permanent. It is too unequal and unjust—too exorbitant and oppressive, and too clearly in conflict with the fundamental principles of the constitution. If the manufacturer thinks that this system can be permanent, let him look to the constant changes which have attended all attempts to establish and continue a protective tariff. The first tariff was based in part upon the principle of very moderate protection to domestic manufactures; and the result has been, as appears by the table hereto annexed, that the tariff has been changed and modified thirty times since that period—being more than once, on an average, for every Congress since the government was founded; and one of these tariffs was in itself a system of successive annual changes, operating through a period of ten years. Of these changes, fourteen have been general, and sixteen special. From 1816 onward, these changes have been most frequent; and it is vain to expect permanency from anything but a revenue tariff. Stability is what the manufacturer should desire, and especially that the question should be taken out of the arena of politics, by a just and permanent settlement. A great number of tables, illustrative of the effects of the tariff, compiled from official documents, accompany this report. Some of these tables exhibit the operation of each of our tariffs, from the organization of the government to the present period. In order to enable the Secretary to comply with the direction of the acts of Congress, requiring him in his annual report to suggest "plans for improving or increasing the revenues," and to give "information to Congress in adopting modes of raising" the revenue, two circulars were issued, published, and generally distributed, propounding various questions connected with this subject, and requesting replies. Some answers have been received, from friends as well as opponents, of the tariff; but the Secretary regrets that the manufacturers, with very few exceptions, have declined answering these questions, or communicating any information as regards their profits and surplus, or in relation to the wages of labor. An abstract of all that is deemed useful in these replies, together with a copy of both the circulars, is appended to this report.

The coast survey is rapidly progressing—having been extended eastward to the eastern coast of Massachusetts, and southward nearly to the dividing line of Maryland and Virginia, on the Chesapeake. Two new centres of operation have been opened, under the sanction of this department, in North Carolina, and on the Gulf of Mexico, from which the work may be spread until the parts unite. Important positions for forts, navy-yards, harbors, and light-houses present themselves along this interesting portion of the coast of Louisiana, Mississippi, and Alabama, and the islands guarding the interior channel between Mobile and New Orleans. Great economy exists in the administration of the fund appropriated for the coast survey; and every effort is made by the superintendent to press the work onward to a completion. Three charts resulting from the survey have been published within the past year, and five more are nearly ready for publication. This great work is most honorable to the science of our country, most use-

ful to our navy and commercial marine, and, in connexion with our light-houses, must decrease the cost of freight and insurance, as well as the risk of life and property. Great attention has been given by this department to the very important subject of our light-house system. The various improvements suggested by experience at home or abroad—the relative advantages of gas and oil, of reflectors, lensular and revolving lights, the location and construction of the buildings, as well as the mode of keeping the lights,—are all being fully and carefully investigated, and a report, it is believed, will be ready during the present session of Congress. From the Chesapeake to the Capes of Florida, and thence westward, our coast is badly lighted, as well as the great lakes of the north and west; and numerous wrecks, often accompanied with loss of life and property, seem to require the interposition of Congress.

Such portion of the charts of the exploring expedition as were placed under the charge of this department were distributed for the benefit of our whale ships. These valuable charts embrace the

survey of many hitherto almost unexplored regions and islands of the Pacific, as well as a part of the coast of Oregon, and must be eminently useful for many purposes, but especially to our seamen and merchants engaged in the whale fishery. In pursuance of a resolution of Congress, a report is in progress of preparation as regards the banks and currency, and also in relation to statistics; and these, with all other reports required from this department, will be presented at the earliest practicable period of the present session.

In presenting his annual report, in obedience to the law, the Secretary of the Treasury submits his views with undissembled diffidence—consoled by the reflection that all his errors of judgment will be corrected by the superior wisdom of the two Houses of Congress, guided and directed by that overruling Providence which has blessed the unexampled progress of this great and happy Union.

R. J. WALKER,

Secretary of the Treasury.

HON. JOHN W. DAVIS,

Speaker of the House of Representatives.

Ed. Myers

AMALGAMATION OF THE NATIVE AMERICANS AND WHIGS.

PERSECUTION OF NATURALIZED CITIZENS.

Union of the Whig and Native American parties in the cities of Philadelphia and New York.

The whig, *alias* the federal party, have always had an instinctive hatred of the naturalized citizen. They have embraced every occasion to denounce and persecute him. Out of this feeling of hatred grew up the alien and sedition laws, under the reign of John Adams. Federalism then, through the instrumentality of those laws, persecuted those noble-hearted Irishmen and Germans who sought an asylum in this country from the oppressions of Europe. Federalism then united with the despotic rulers of the old world to crush the spirit of liberty which pervaded the breasts of those noble sons of Erin, and of the land of De Kalb, who fled to this land of liberty and equal laws for protection. When the democratic party got into power, by the election of Jefferson to the presidency, those odious laws restricting the liberty of the naturalized citizen were obliterated from the statute-books. They were all repealed. The federalists, however, did not give up their designs. Though the laws were repealed, the hatred of the Irishman and the German still rankled in their bosoms. They fell upon new expedients to carry out that design. They knew, so odious had become the name of federalism, that they could not give head and success to their persecutions under that cognomen; they consequently changed their party name from time to time, almost periodically, to effect their object. The old monster federalism, finding herself detected whatever name she assumed, at last stole the consecrated name of whig, and even decorated herself off in the habiliments of the democracy. That dress ill-became her, however. The cloven foot of the old harriard was soon detected. She now seeks, under the name of "democratic whig," to enforce her malevolent designs against the naturalized citizens. The hatred of them, which possessed her heart in the infancy of this republic, has been nurtured there ever since, until it has grown to maturity, and assumed a most venomous character. So impatient are that party to enforce their proscription of the Germans and Irish, that they commence it before even they reach the goal of power long sought by them. They beat the honest Germans from the polls for exercising the rights of franchise guaranteed to them by the laws and the constitution. Witness their butchery of the Germans in Louisville, Kentucky. The place where the polls were held in that city presented more the aspect of a slaughter-yard—some forty Germans having been mangled and murdered with bludgeons—than the place where freemen resort, under the law, to give force to their opinions through the ballot-box. Instance the murder in Baltimore of a German by a Clay Glee Club. This act was done almost by the light of day, in the public streets. Read the account given of it in the Republican of that city:

From the Baltimore Republican.

BRUTAL OUTRAGE.

ATROCIOUS OUTRAGE AND MURDER.—Last night about 9 o'clock a most foul murder was committed at the corner of Bond and Lancaster streets, under the following circumstances: A German democrat, named John Henry Krager, who resides at No. 76 Bond street, near Aliceanna street, left the house of Mr. John Uhlhorn, with a bucket, to obtain water at the pump in the neighborhood. While getting the water, a party of persons, armed with clubs, passed him, hurrahing for Clay, Frelinghuysen, and Pratt; at which he hurried for Polk in an inoffensive manner, and with a perfect good feeling; whereupon he was most brutally attacked with clubs and bludgeons, and beaten in a most

FEROCIOUS AND HORRIBLE MANNER, and, when left, the party supposed him to be dead: he was taken into the house, and died in about twenty minutes. The party, after committing this horrible murder, crossed over to the opposite side of the street, where they furiously assailed Michael Baum, who was much beaten; also William Swallingburg, who, besides being beaten, was shot in the hip with a pistol ball; and William Tatinghas, who was so much beaten that it is supposed he will die during the day. The party then proceeded further down Lancaster street, where another person (a carpenter, whose name we did not learn) was assailed and beaten at his own door, because he was known to be a democrat. A sailor, named James Buck, was also dreadfully beaten by the same party. Henry Kahneman, Thames street, two doors from Caroline, also much beaten. These fiends in human form, we understand, before these horrible outrages were perpetrated, grossly insulted some of our most respectable democratic citizens, by stopping in front of their dwellings, giving forth their hideous groans. Ladies, too, whose husbands were absent, were most wantonly insulted by demoniac yells.

We hope that all the necessary measures will be taken to bring these desperate villains to justice. Where were the officers of the law during these proceedings? Where? We have heard that a watchman was called upon, who refused to give his aid in rescuing those who were attacked. We have seen the bludgeons with which the murders were no doubt committed; no one but a desperado would carry such.

The young man Krager, who was murdered, bore an excellent character, and was very quiet and inoffensive in his manners.

Since writing the above, we have been informed that James Buck, sailor, is dead.

The democracy turned out *en masse* to honor the dead, by attending the remains to the grave the next day. But need we write any further to show that the whigs hate, persecute, and even murder the naturalized citizen? Below you will read further evidence of it. The whigs have denied, until they find that denial will not further serve them, that their principles and those of the natives are identical. Witness the amalgamation in Philadelphia between these parties. In the late contest in Philadelphia for Governor, members of Congress, and State Legislature, the whigs made an agreement with the natives. These were the conditions of the bond. That the whigs, on their part, were to vote for Levin, the editor of the native American paper, and one of the leaders of the recent dreadful and sanguinary mob in that city, (where so many Germans and Irish were murdered,) and two other native candidates for Congress, and the native candidates for the State Legislature and mayor of the city; and the "natives," on their part, were to vote for Markle, the whig candidate for Governor. The natives complied with their agreement. The consequence was, that Markle, the whig candidate for governor, received six thousand majority in the county and city of Philadelphia, where the democrats should have received one thousand majority. The whigs complied with their bargain thus far. They elected Levin and another native candidate to Congress, and failed in the third one. The democrats were too strong in the county for whigs and natives together, and re-elected Mr. C. J. Ingersoll. The whigs cheated the natives out of the mayor, however. They were afraid to give the native party (who they say conducted the late mob) possession of the power and patronage of that great city. They openly say that they could "trust Levin in the halls of Congress, although he has been indicted by the grand jury as the prime mover of the mob;" yet they could not think of giving up the city to his party. After this, it will be vain to attempt a denial of the union of the natives and whigs in Philadelphia.

In New York, too, at the last mayor's election, the whigs and natives voted together. The whig

party there had always voted 21,000; but in that election, their candidate for mayor received only 5,000 votes, the other 16,000 having voted, according to agreement, for the native candidate for mayor: they also elected a majority of the natives to the board of council. The natives have possession of all the patronage of that city. They have proscribed every naturalized citizen from office, and put in office none but whigs and natives. The democratic vote in that election was as large as usual.

The New York papers of October 16 inform the people of the Union that the whigs and native Americans have formed another amalgamation; by which the whigs are to vote for the native candidates for Congress, on condition that the natives will vote for Mr. Fillmore, the whig candidate for Governor, and for Henry Clay for the presidency. The whigs are now exulting over this amalgamation. But in this the union democracy see the seeds of death to the whig party. The democracy will succeed in that State, as they have succeeded in Pennsylvania. Shunk, the democratic candidate for Governor, was elected by more than 5,000 majority. Polk's majority in that State will be 10,000 at least. The democracy will overwhelm federalism and nativism combined, in New York, as they have done in Pennsylvania. Not only the naturalized citizens, but patriots of all parties, should aid in frustrating the designs of such a union. We believe they will. Below will be found evidence of whig feeling towards naturalized citizens:

Further proof of whig intolerance:

From the Augusta (Me.) Age.

WHIGERY AND NATIVE AMERICANISM.

These terms have become synonymous; and since the recent events in several of our large cities, must have become intolerably odious to our Irish and German fellow-citizens. Let such read the following article from the Bay State Democrat:

WHIGS vs. IRISHMEN.

There is no period in the history of our country, since the adoption of the constitution, that the whigs have not manifested a deadly hatred towards foreigners, and Irishmen particularly. The alien law enacted by the federalists, now called whigs, is, or ought to be, familiar to every Irishman. From that time may be dated a concentrated, fixed, determined opposition to the poor, persecuted, proscribed, and oppressed Irishmen, by the whigs. It is utterly impossible for human language to express in adequate terms the cruel and barbarous treatment Irishmen have ever received from the political party in this country now called whigs. Listen to a few extracts from their press, and their orators. I commence with their leading press in the New England States. It breathes the true spirit of whigery:

"Mr. Van Buren's adherents have strong hopes, with the aid of ALIEN VAGRANTS, and illegal voters, they will carry the city of New York."—*Boston Atlas*, October 8, 1840.

"The American people are in fair way of being controlled by foreigners, ignorant, superstitious, and brutal; and of all foreigners that come to this country, the lower class of Irish are least capable of exercising the privileges of freemen. With them, freedom means unrestrained insolence, and the liberal use of whiskey and shillalah. The hope of enlightening their understandings is utterly vain. The American people must now right themselves, and produce, as soon as possible, an alteration of the naturalization laws."—*Albany (Whig) Daily Advertiser*.

"HAD I THE POWER, I WOULD ERECT A GALLOW'S UPON EVERY WHARF IN THE CITY OF NEW YORK, AND HANG EVERY D—D IRISHMAN AS FAST AS THEY COME ON SHORE."—*Matthew L. Davis*.

This declaration was publicly made by Davis, in the city of Washington, upon the receipt of the news of the glorious democratic victory in the city of New York.

"The children of bigoted Catholic Ireland, like the frogs that were sent as a plague against Pharaoh, have come into our homes, bed chambers, ovens, and kneading-troughs. The Irish, when they arrive among us, are too idle and vicious to clear and cultivate land, but dump themselves down in our large villages and towns, crowding the meaner sort of tenements, and filling them with wretchedness, filth, and disease. In a political point of view, what are they but mere cattle."—*Troy Whig*.

From the Bucyrus (Ohio) whig paper.

"Look at our village, how it is disgraced by these little nuisances, known by the name of groceries, all kept by the dirty Dutch, who are unfit for anything decent. In fact, our country is cursed by a horde of foreign beggars, the filthy outpourings of besotted Germany. Down with them and their abominable works of iniquity. Let us elect a man who despises, abhors, and repudiates breweries, groceries, cider sprints, and all other disgraceful Dutch practices. Just look, for a moment, at this portion of our population—they come among us beggars—one starts a grocery in the lower end of Main street, one at the public square, where death and ruin are dealt out at three cents a glass.

"Show me a Dutchman, if you can, who is in favor of any good. Not one. They are enemies of our government—unfit for anything moral—DEBAUCHED DRUNKARDS—A PEST TO SOCIETY—let them be kept down."

Irishmen! true-hearted sons of the "Emerald Isle," what think you of a party, the members of which give utterance to such sentiments as are sanctioned in the foregoing quotations? Your enemy is before you. It is the British whig party. Will you lend the most feeble aid to elevate to power the candidates of a party who heap upon you the vilest epithets, impugn your motives, and conduct, and endeavor to slur and ridicule your religion? would deprive you of all your civil, social, and religious rights? Irishmen, reflect seriously upon these things.

AN OLD GUARD.

NATIVE AMERICANISM.

A straightforward course, would not subserve the purposes of the whigs. Governed by no honest principle, but for and against everything that can secure them a vote, it is not wonderful that they should now attempt to deny their connection with native Americanism, or that the Gazette should charge its origin upon the democracy. But it is of no avail. Citizens of foreign birth have never found favor with the whig party, unless they submit to be its tools. They will court, flatter, and fawn upon them before an election; but there has been a steady progression on the part of the whigs towards depriving them of those rights and privileges guaranteed to them by the constitution: while the democratic party, from the outset, has sought to make this the home of the oppressed of all nations. While the one has sought to curtail their rights and privileges, the other has endeavored to maintain them unimpaired. Let us look at the facts.

Under the administration of Gen. Washington,

the period of probation before a foreigner was permitted to become a citizen, was 5 years. As soon as the federal party under John Adams came into power, the time was extended to 14 years. When the democratic party came into power under Mr. Jefferson, the time was again restored to 5 years, on the recommendation of Mr. Jefferson. Again, during the administration of Mr. Adams, the justly odious alien law was passed, by which the liberty of every foreigner was placed in the hands of John Adams, who was authorized at his mere will to send them out of the country, imprison them, or require bonds for their appearance. Mr. Jefferson and Mr. Madison were indefatigable in their efforts for the repeal of this law. They prepared resolutions for the legislature of Kentucky and Virginia, denouncing the law, which were adopted by those States. Innumerable petitions were presented to Congress for its repeal, but the federal majority refused. So determined were they on this point, that they would not even allow speakers to be heard in favor of the repeal, but coughed, or talked them down. The great political revolution of 1800, which overthrew the federal party, and gave the power to the democracy, put an end to this proscriptive federal measure. But these were not all of the acts of the federal party while in power. Rufus King was then the American minister at the court of St. James. A large number of the Irish State prisoners had made arrangements to come to America, but Mr. King refused assent. Thus Emmet, Nevin, and Sampson, and a host of others, were, for a time, prohibited from fleeing from the persecution of England, while others from that interference were consigned to an ignominious death. We have before us the proceedings of a federal meeting held many years ago in Albany, in which the conduct of Rufus King on this subject was applauded, and Mr. Emmet and the Hibernian Society of New York bitterly denounced, because they would not unite in the support of one inimical to them. Among the actors in this meeting were some of the present whigs. And we have likewise before us the proceedings of a democratic meeting held at the same place and on the same subject, in which the conduct of this same Rufus King is severely denounced, and that of Mr. Emmet and the Hibernian Society of New York approved. Again, the Hartford convention proposed, as the result of their deliberations, among other things, an amendment to the constitution, that no naturalized citizen should be capable of holding any civil office under the authority of the United States. By the influence of federalists the provision in the constitution of this State restricting the office of governor to native-born citizens was retained. But coming down to a time within the recollection of all, what do we see? The same course on the part of the whigs and democrats. Persecution of them by the former, and defence of them by the latter. In February, 1840, John T. Stuart, the federal member from Illinois, presented petitions in Congress for the total repeal of all naturalization laws. Innumerable petitions of the same character were presented at the same time, but it is asserted that in every instance they emanated from whig sources.

On the 6th of May, 1840, the Baltimore democratic convention passed the following resolution:

"Resolved, That the liberal principles embodied by Jefferson in the declaration of independence, and sanctioned by the constitution, which makes ours the land of liberty and the asylum of the oppressed

of every nation, have ever been cardinal principles in the democratic faith; and every attempt to abridge the present privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute book."

In contradistinction to the above from a democratic convention, see what a whig convention says, quoted from the Albany Evening Journal:

"Resolved, That the county of Albany is decidedly a whig county, and so manifests itself at the annual elections when the native inhabitants are not overpowered by the hordes of foreigners who, brought up as slaves in their own country, know not the feelings and duties of freemen in this!"

The Albany Daily Advertiser (then edited by Rufus King, the grandson of the one already mentioned) used the following language:

"The American people must now right themselves, and produce, as soon as possible, an alteration in our naturalization laws."

Again:

"It is no new opinion with us, as our readers well know, not one hastily adopted, that no man of foreign birth should be admitted to the political rights of an American citizen."

This same Rufus King is now one of the editors of the Evening Journal.

The Courier and Enquirer (edited by Webb, who rebaptized the federal party and gave it the name of whig) says:

*"We can discover no security against the threatened danger BUT IN THE REPEAL OF THE NATURALIZATION LAWS. * * * Let our native American population meet in their respective wards, and resolve that they will not support for any office whatever a candidate who does not pledge himself to use all honorable means to insure an immediate repeal of our naturalization laws."*

Mayor Clark, the whig chief magistrate of New York, used the following language in a message to the common council of that city:

"I deem it my duty to inform the common council that it is my intention hereafter, to require and demand TEN DOLLARS a head on each emigrant who lands on our shores."

Again:

"Our naturalization laws should be immediately repealed, and the term to qualify them to vote or hold office, should require a residence of 25 years in our country."

"The native American whig association in the city of New York" addressed the people of the State, from which we take the following extract:

"We solemnly resolve to oppose the election or appointment of any but American citizens to office, and henceforward use our united efforts and unsparing zeal to procure such alteration in the naturalization laws as shall exclude from THE RIGHT OF SUFFRAGE ALL FOREIGNERS WHO COME INTO OUR COUNTRY."

A petition was got up at the same time, asking for the entire repeal of all naturalization laws, and every signer without exception was a whig.

Such too were the character of the petitions last winter presented by Mr. Archer and Mr. Adams. Mr. Archer, in presenting the petition, said, "When that party (the whigs) should come into power, which would give effect to views of sound policy, I

will myself introduce some measure such as the memorialists justly concluded had become necessary.

Again he says:

"At the ensuing session of Congress I will set the ball in motion."

Again, in concert with Mr. Archer, the Courier and Enquirer says:

"The naturalization laws must be changed, and the time extended to 21 years."

The New York American, a whig print, edited by the son of the first named Rufus King, and the father of the last one, says:

"CITIZENSHIP.—We honor the manliness with which Mr. Archer, a senator from Virginia, meets the question presented by the memorials from Philadelphia, for extending the term of probation for foreigners, before they can become naturalized, to twenty-one years.

"We agree in opinion with the Philadelphia memorialists, and with Mr. Archer, and are always ready to aid, as far as we may, in the alteration of the naturalization law."

"ALTERATION OF THE NATURALIZATION LAWS.—It is now pretty certain that this question will enter into our next congressional elections. As soon as it comes up, we are prepared to meet it, and will array ourselves in favor of increasing the term to twenty-one years."—*Pottsville (Pa.) Whig Journal*.

The Pittsburgh Daily American, a whig print, says:

"There are few good whigs but are friendly to the principles of this party, and will, at the proper time, carry them out."

The Sandusky Clarion, a federal paper, says, in speaking of foreigners being refused the right of citizenship:

"Suppose they (foreigners) did complain: who would regard it?"

The Albany Daily Advertiser (whig) took the same course; but, at the suggestion of Thurlow Weed that it might injure the cause of Mr. Clay, he consented to drop the subject, and take it up again when the whigs should come into power, as suggested by senator Archer.

And these are the feelings and views of Mr. Clay. Witness his denunciation of O'Connell, and his abuse of the democratic party in admitting Michigan into the Union, because foreigners were permitted to vote.

But we will not spend further time in quoting the declarations of federalists or the whig press. What we have given is quite sufficient to set this matter at rest. In relation to the party in New York, it is sufficient to look at the vote on mayor last spring to show its character. The whig party numbered 20,000 votes in 1842.

Last spring but - - - 5,118

The Native American vote was - 24,000

And the democratic vote about as usual, 20,047

Here were more than 15,000 whigs who voted in a body for the native candidate. At the time it was treated by the whigs as a triumph over the democracy. The Evening Express (whig) announced it, as did also other whig presses in different parts of the country. Again: the native candidate was, and always has been, a whig; and all the appointments to office by the native board have been from the whig ranks. The leaders of the "natives," then, are whigs, as they also are in Philadelphia. It is not many years since the whigs of this county were called to vote for Peter Sken Smith for Congress. The same man is now a native leader at Philadel-

phia, and is in communication with senator Archer, and has ever been a whig. So are Captain Jack, Levin, and others, who were conspicuous in the late horrible "native" riots at Philadelphia. All are whigs; and not a solitary name has been named who was ever identified with the democracy. too, the Philadelphia Spirit of the Times, "all the 'native' leaders are whigs." Will the whigs talk after this of the democracy originating the "Native American party?" The falsehood is too glaring to be credited. The great length to which we have extended this article prevents our saying anything about the bigoted and intolerant character of "nativeism," but it is useless. It has traced its course in blood.

NATIVE AMERICANISM—PROOF OF ITS ORIGIN.

We have hitherto expressed our belief that native Americanism was the offspring of old federalism, and that the whig party cherished it with all the love which their fathers bore it. For this honest expression we have been denounced as a liar. We ground our assertion upon the following testimony:

The alien laws of the elder Adams.

The resolution of the Hartford convention.

The petitions presented by John Quincy Adams, praying that the time before which a man should not be naturalized might be extended to twenty-one years.

The declaration of Mr. Archer, a whig senator from Virginia, that he would make every effort to secure the passage of such a law.

The charge of Horace Greeley, made in April last, that the fact of the whigs supporting the native American ticket would render the defeat of the whig ticket certain.

We made the charge because—

James Watson Webb said that Greeley himself had voted the native American ticket.

Because William L. Stone, another whig editor of New York, was a candidate for office on the native ticket.

Because Mr. Clay endeavored to deprive foreigners of pre-emption rights.

Because Colonel Jack, Levin, and others, who addressed the native meetings in Philadelphia previous to the outbreaks which drenched the streets of that city in the blood of her citizens, are personally known to ourselves as whigs, Jack having been twice before the whig party of this district as a candidate for a congressional nomination.

Because 16,000 whigs in the city of New York voted the native ticket.

Because a whig member of Congress (Mr. Wethered, of Maryland) insulted Mr. Owen of Indiana, and told him he had no business to speak on the tariff question, because he was but a naturalized citizen.

Because there is not one democratic statesman who has not expressed his utter abhorrence of their measures.

Let the German, the Frenchman, and the Irishman, remember that Henry Clay, in the Senate of the United States, denounced them, and declared himself to be opposed to allowing them the benefit of the pre-emption laws.

Fail Hye

THE BANKRUPT LAW.

"A link in the great system of Whig measures."—Mr. CLAY.

THE means used by political leaders to carry the election of 1840, though evident enough to the close observer, even in the heat and smoke of the contest, have, since, been disclosed to the public eye so plainly, that he who runs may read; and have filled with regret and alarm the friends of republican institutions. While attempts were made to delude the working-men by promises of "two dollars a day and roast beef," the horde of speculators—whose aim was to gather wealth which they had done nothing to produce, and to grow rich on the industry and earnings of others, and who had been frustrated in their schemes—were promised the Bankrupt Law; the Bankrupt Law, which should, at once, release them from all their pecuniary obligations, and, connected with the new impetus to be given to the paper-money system, enable them to start afresh in a career of plunder, in which they should run no risk, and all the chances be against their victims. The number of voters who would be influenced by this inducement was estimated as of vast importance. The tempting bait was artfully thrown out as by a skilful angler. In February, 1840, a petition had been presented in the Senate, from Silas M. Stilwell, of New York, for a law, "*simple in its provisions, and direct in its effects,*" providing that, on the surrender of his property, the debtor should be "*FORTHWITH discharged from ALL HIS DEBTS.*" In April, 1840, Mr. Webster, from the Judiciary Committee, in the Senate, reported a bankrupt law, similar in its object to the one which was passed at the extra session. This bill gave a foretaste of what was to be expected, should the Federal forces succeed in achieving their victory in the ensuing autumn. They succeeded. The extra session was called—the bankrupt law was passed; a law which bore a falsehood on its face, and was not a bankrupt law, but an insolvent law!—a law subversive of the Constitution—destructive of State rights—releasing the debtor on his own motion, and at his own time, from his solemn obligations—setting at defiance morality and common honesty, and sanctioning *repudiation* in its most odious form.

Mr. Benton said, in January, 1842, in the Senate:

"The petition (Stilwell's) was presented in the month of February, 1840—presented by a Senator from New York (Mr. Tallmadge)—printed—referred to the Judiciary Committee—and now constitutes an archive in our legislative history. It is the *first petition*, so far as my knowledge extends, which went for a *new species of bankrupt law*, *simple* in its provisions, and *direct* in its effects, and which was to release, not the person of the debtor, but the *debt itself*, on the surrender of the debtor's property. It was the first petition of that kind presented to us, and stood out from the canvass—stood out in bold relief—and as a *thing by itself*, in the midst of the thousand bankrupt petitions which were presented to us."

Again: "He (Mr. Benton) had then got so far as to uncover the origin of this miscalled bankrupt act, and to show it to be a law for the abolition of debts by act of Congress; that the first proposition for it came from a (then) Senator from Massachusetts, (Mr. Webster,) in the session of 1839-'40—that the first petition for it came from Mr. Stilwell, of New York, in February, 1840; that the first bill brought into the Senate for it was by Mr. Webster, in April, 1840; and that the first act passed for that purpose was by the Whig party, at the extra session of 1841, as a part of their system of relief, and as one in that list of measures whose individual success depended upon a mutual support, and when the word was, *take all or I will kill all.*"

Again: "I mean to make myself understood, and therefore shall proceed to demonstrate that this law is *NOT* a bankrupt system! that it is no system of anything but plunder and spoliation—

a simple law for the abolition of all debts at the will of the debtor—smuggled through Congress under a false title—protected by the gag, sustained by the demon of party spirit, and only passed at last by a bargain in market ouverte, for the passage of the *Land Distribution Bill* at the same time."

But why describe or characterize this, the most odious law, perhaps, ever adopted in a civilized nation? *The people* have risen in their might and condemned it, and the SAME CONGRESS WHICH PASSED IT WAS CONSTRAINED TO REPEAL IT. Many of those who were instrumental in its passage, impelled by the popular voice, in trembling haste, eagerly assisted to undo their own work. They united in its repeal with the Democratic members of the House and Senate, who were thus enabled to strike from the statute book the law, but not to prevent the pernicious effects it had already produced, nor to erase the foul blot left on the character of our legislation. It may be useful to examine the progress of this scheme, from its inception to its consummation, and thence to its final repeal. And that we may not be deficient in authority for what we say, let us resort freely to the testimony of the Whig leaders themselves.

The Bill passed the Senate by the vote of 26 to 23, the 25th July, 1841.

YEAS—Messrs. Barrow, Bates, Berrien, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Henderson, Huntington, Kerr, Merrick, Miller, Morehead, Monton, Phelps, Porter, Simmons, Smith of Indiana, Southard, Tallmadge, Walker, White, Williams, Woodbridge, and Young.—26.

All but four Whigs.

NAYS—Messrs. Allen, Archer, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Graham, King, Linn, McRoberts, Nicholson, Pierce, Prentiss, Rives, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Woodbury, and Wright.—23.

All but four Democrats.

Mr. Barnard, Chairman of the Judiciary Committee in the House, on the 31st of July, stated he was directed by the committee to move to take up the Senate bill. It afterwards came up in the order of business, and was read a first and second time by its title. A motion, by Mr. Atherton, to lay the bill on the table, was rejected—Yeas 91, Nays 123; and it was referred to the Committee of the Whole. But before the final action of the House on the subject, it was evident that the bill was so odious in its provisions, that many of the majority *shrunk from its support*. It was, at one time, *defeated in the House* by being laid upon the table. The next day this vote was *reconsidered in hot haste*—all amendments were rejected, as it might have been dangerous to send it again to the Senate—and the bill was passed by a *lean majority of four votes*. Was this result owing to the menaces of those interested in the inducements held out to them during the Presidential contest? Or was it owing to the connecting of its passage with that of the Distribution Bill, which, it was said, would be jeopardized by its defeat? Or was it owing to both these combined? Let our readers judge for themselves from viewing the yeas and nays on various stages of the subject, and from perusing the extracts given from the speeches of the Whig leaders.

Yeas and nays on Mr. Underwood's motion to lay the bill on the table, made August 17, 1841:

YEAS—Messrs. L. W. Andrews, Arrington, Atherton, Banks, Barton, Bidlack, Birdseye, Botts, Bowne, Brady, Aaron V. Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, P. C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Cary, Chapman, Clifford, Clinton, Coles, Cross, Daniel, R. D. Davis, John B. Dawson, Dean, Doan, Doig, Eastman, J. C. Edwards, Egbert, Ferris, J. G. Floyd, C. A. Floyd, Fornance, Thomas F. Foster, Gamble, Gentry, Gerry, Gilmer, Goggins, W. O. Goode, Gordon, Graham, Green, Gustine, Harris, J. Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Ingersoll, Mack, Cave Johnson, J. W. Jones, Kelm, A. Kennedy, Lewis, Littlefield, A. McClellan, Robert McClellan, McKay, Mallory, Marchand, Thomas F. Marshall, Matthews, Mattocks, Medill, Miller, Newhard, Owsley, Parmenter,

Payne, Pickens, Pope, Proffit, Ramsay, Alexander Randall, Reding, Reneher, Rhett, Riggs, Rogers, Saunders, Shaw, Shepperd, Shields, Snyder, Sprigg, Steenrod, Starn, Summers, Sweeney, Triplett, Turney, Underwood, Wallace, Watterson, Weller, Westbrook, J. W. Williams, and Wise.—110.

YAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Ayer, Babcock, Baker, Barnard, Black, Blair, Boardman, Borden, Briggs, Brockway, Bronson, M. Brown, Burnell, Calhoun, Caruthers, Childs, Chittenden, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Cushing, Wm. C. Dawson, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Greig, Habersham, Hall, Halsted, Henry, Howard, Hudson, Hunt, James Irvin, Wm. W. Irwin, James, I. D. Jones, J. P. Kennedy, King, Lane, Linn, Samson Mason, Mathiot, Maxwell, Maynard, Merriwether, Moore, Morgan, Morrow, Nisbet, Osborne, Pendleton, Plumer, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, Roosevelt, Russell, Saltonstall, Sanford, Sergeant, Simonton, Slade, Smith, Sollers, Stanly, Stratton, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Van Rensselaer, Ward, Warren, Edward D. White, J. L. White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wood, Yorke, Augustus Young, and John Young.—97.

Only FOUR Democrats voted in the negative.

Yeas and nays on the passage of the bill :

YEAS—Messrs. Adams, Allen, S. J. Andrews, Arnold, Ayer, Babcock, Baker, Barnard, Black, Blair, Boardman, Borden, Briggs, Brockway, Bronson, M. Brown, Burnell, Calhoun, Thos. J. Campbell, Caruthers, Childs, Chittenden, J. C. Clark, S. N. Clarke, Cowen, Cranston, Cravens, Cushing, G. Davis, William C. Dawson, John B. Dawson, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. L. Foster, Gamble, Gates, P. G. Goode, Greig, Habersham, Hall, Halsted, W. S. Hastings, Henry, Howard, Hudson, Hunt, James Irvin, William W. Irwin, James, W. C. Johnson, I. D. Jones, J. P. Kennedy, King, Lane, Lawrence, Linn, S. Mason, Mathiot, Maxwell, Maynard, Merriwether, Moore, Morgan, Morris, Morrow, Nisbet, Osborne, Pearce, Pendleton, Powell, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, Rodney, Roosevelt, Russell, Saltonstall, Sergeant, Simonton, Slade, Smith, Sollers, Stanly, Stokeley, Stratton, John T. Stuart, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Van Rensselaer, Wallace, Warren, E. D. White, J. L. White, T. W. Williams, Lewis Williams, Christopher H. Williams, J. L. Williams, Winthrop, Wood, Yorke, A. Young, and John Young.—110.

NAYS—Messrs. L. W. Andrews, Arrington, Atherton, Banks, Beeson, Bidlack, Birdseye, Botts, Bowne, Boyd, A. V. Brown, C. Brown, J. Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, W. B. Campbell, Cary, Chapman, Clifford, Clinton, Coles, Cross, Daniel, Richard D. Davis, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Forrance, T. F. Foster, Gentry, Gerry, Gilmer, Goggiu, W. O. Goode, Graham, Gustine, Harris, John Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hulard, Hunter, Hurdson, Jack, Cave Johnson, John W. Jones, Keim, A. Kennedy, Lewis, Littlefield, Abraham McClellan, Robert McClellan, McKay, Mallory, Marchand, Thomas F. Marshall, Mathews, Mattocks, Medill, Miller, Newhard, Parmenter, Payne, Pickens, Plumer, Pope, Proffit, Ramsey, Reding, Reucher, Rhett, Riggs, Rogers, Saunders, Shaw, Shepperd, Shields, Snyder, Sprigg, Steenrod, Sweeney, J. B. Thompson, Triplett, Turney, Underwood, Van Buren, Ward, Watterson, Weller, Westbrook, J. W. Williams, and Wise.—106.

Only four Democrats voting in the affirmative.

While the bill was under consideration, many symptoms appeared that the Whig party in the House could with difficulty be brought to the sticking point; and Mr. Wise, who was a Whig of 1840, and *knew the secrets and motives of the party in that campaign*, thus taunted his associates :

"What did he mean? I mean to tell them, (said he,) and if I had a trumpet-voice it should reach every log-house in which a poor debtor lives, though *bankrupts do not live in log-houses*; but I mean to tell every poor debtor whose eyes, and perhaps tearful eyes, are turned to this House; whose hopes are flattered to be betrayed; that he will get no bankrupt bill this session. I will give him no secret reason for this opinion. I will tell him that those who have all along pretended to be the friends of this bill, and have expressed so much sympathy for the distresses of the poor bankrupts, *merely meant to make use of this bill as so much political capital*; that is, they will *pass it, or not, in a certain contingency*, and the odds are against it."

Again, Mr. Wise said :

"It had been *calculated* that the *POLITICAL INFLUENCE* of the *BANKRUPTS* in this country would turn the scale in five States, which gave eighty-nine electoral votes in the last Presidential election. In these five States, the whole number of votes polled was nine hundred thousand. The Whig majority was eighteen thousand; number necessary to change that majority, nine thousand; and that number was only one per cent. on the number of votes polled. Mark you, gentlemen, one in a hundred, nine in nine hundred, changes many questions of policy in this country. New York, Maine, Pennsylvania, and two other States were embraced in this calculation; and let the weight of the bankrupts now be felt, and, in feeling their weight, let gentlemen see how weighty a matter little things may be in all questions, as well as questions of bankruptcy. If you are wise, and you will be cautious and prudent, do not imagine yourselves to be omnipotent. *There was some delusion in the triumph which you obtained last fall.*"

Mr. Clay, of Kentucky, in the Senate, at the session following the extra session, after mentioning the bank bill, the distribution bill, the tariff, the bankrupt law, and the bill to renew the District banks, and opposing the bill from the House for the repeal of the bankrupt law, said :

"These were the fruits of the extra session, so far as they depended on Congress. This was the circle of beneficent measures, intended to embrace all interests and parts of the Union. We

have reason to believe that it was looked upon and regarded as a whole, and *that votes were given for some measures in the series, not so much because they were in consonance with the views of the constituents whose members gave those votes, as because they were wanted by other parts of the Union, and the compensation was to be found in other more acceptable measures of the same series.*"

The bankrupt law was to go into operation on the 1st day of February, 1842. On the 17th day of January, 1842, after a severe conflict, and a struggle almost unparalleled, against all the obstructions, and difficulties, and questions of order, which the ingenuity and desperate perseverance of the Whig leaders enabled them to raise, the House of Representatives, on their part, passed a bill repealing the law which they had adopted at the previous session. *They did this before the time of its going into operation, five Democrats only voting in the negative—one because the repeal was not absolute.*

The passage of the distribution bill had been secured; the fall elections were over. The will of the people had been so plainly expressed in regard to this law, that many of those who voted for it with so much misgiving, were *even now* striving to prevent its ever going into operation.

Full discussion, both in the House and Senate, disclosed the character of the bill; its final fate was predicted, and the majority of the Senate were appealed to to prevent its evils by preventing it from going into operation.

The enormous fees of the marshal of the Southern District of New York are well known. After reading the clause of the law passed in February, 1841, limiting the amount to be retained by the marshal, Mr. Benton, in a speech delivered January 27, 1842, proceeded:

"Of the contents of this extract I desire to fix the attention of the Senate on the compensation which is allowed to the marshal of the Southern District of the State of New York. That compensation, by the terms of this act, is to be, *first*, \$6,000 per annum, clear and neat, for the marshal's emolument; *secondly*, \$3,000 for office expenses, which will cover his family expenses at the same time; *thirdly*, deputies to do the business for him, who are to be paid out of fees over and above the \$6,000 and the \$3,000; and all this is to be *retained* by the marshal himself out of the \$30,000 or \$60,000 per annum of fees which he is expected to receive. This makes the marshal's place for the Southern District of New-York a property of \$150,000 per annum to the happy holder; and that without speculating on the possibility of his retaining the whole and being discharged from its payment under this act, upon the surrender of some chattels, or surrendering nothing at all. Leaving that speculation out of view, and taking the office as it is, it gives the marshal \$9,000 per annum of income, which is the product of \$150,000 of property at 6 per cent. interest.

"The next point on which I wish to fix the attention of the Senate is to be found in our own Executive Journal, and consists of the *nomination of Silas M. Stilwell, Esq.*, first petitioner for the new act, simple in its provisions, direct in its effects, for the abolition of all debts on the surrender of all property, &c., to be marshal of the aforesaid Southern District of New York: the nomination coming from President Tyler, through the State Department of Secretary Webster, and *confirmed by the Whig Senate* of the extra session, *mangle the exhibition of an appalling list of three or four times ten unsatisfied judgments displayed against him.* Mr. Stilwell is then in the possession of an office representing a productive estate of \$150,000. He has a long list of unsatisfied judgments against him, and doubtless wishes to be relieved from these judgments by the new road and the short cut which our Secretary of State invented, and for which his friend and protégé plead so forcibly in his memorial to Congress in the month of February, 1840. Now, *is it right* that Mr. Stilwell should be discharged from "*all his debts*," without the consent of a single creditor, by virtue of an act of Congress which, dispensing with all the forms and principles of a bankrupt act while falsely retaining its name—an *act simple in its provisions*, and direct in its effects,—may relieve him at once from all his debts, cure his whole distress, and leave him to the enjoyment of *otium cum dignitate* with his \$9,000 of annual income, his deputies to do all the business, and to be paid over and above from retained fees, and his creditors left to repair their losses by redoubling their labor, retrenching their expenses, *stinting their families of necessities*, and overstraining themselves by renewed and increased exertions? Sir, I know nothing of Mr. Stilwell, except as he has presented himself before us. He may or may not take the benefit of the sponging act—*falsely*

called a bankrupt system. If he does, (having already obtained a rich office,) he will have obtained all that his petition prayed for. I say all; for that petition was drawn with a double aspect, as they say of certain bills in chancery. It was drawn with two prayers to it—one for relief from debts; the other for support after being relieved. He prayed Congress to RELIEVE and SUSTAIN the insolvent; and certainly both prayers are handsomely granted. The sponging act, if not repealed, will grant the *relief*; the office, which is already bestowed, will *sustain* him."

The consummation of its repeal, so devoutly wished, and so loudly called for by the people, was prevented in the Senate, and principally by the exertions of Mr. Clay, the Whig leader in the Senate, and now their Presidential candidate. The Legislature of Kentucky had plainly expressed their opinions on the subject. Instructions to their Senators to vote to repeal the bankrupt law had passed the Assembly of Kentucky unanimously. The Senate amended the resolutions of the Assembly, still expressing the strongest disapprobation of the bankrupt law. Mr. Morehead, Mr. Clay's colleague in the Senate, said, January 18, 1842:

"It could not have escaped his notice and that of the Senate that the Legislature of Kentucky had, by a *large majority*, passed resolutions upon the subject of the bankrupt law, expressing an opinion that it *ought to be repealed*."

"Whether the bankrupt law was a measure of national benefit or national injury was a question about which the people of the United States could form their own conclusions; but whether the measure would affect advantageously or injuriously the people of Kentucky, *they alone were competent to judge*. So far as he was concerned, he thought that *from their judgment there was no appeal*."

He said further:

"Since he had arrived at Washington, he had received letters which convinced him the people of Kentucky *were adverse to the law*; and regarding the resolutions of the popular branch of the Legislature of Kentucky as furnishing *proof as to the extent of PUBLIC SENTIMENT*," &c.,

He declared his intention to

"Conform his conduct to the requirements of the resolution. He desired to be understood as expressing his own sentiments; he spoke for no one but himself. The rule which he had prescribed for himself had *no application* to his colleague, (Mr. Clay;) and he trusted he might be permitted to say there was a vast difference between him and that distinguished gentleman, so far as related to their action here and their standing before the country."

And he went on to give as a reason for this *distinction* in the RELATIVE DUTIES OF TWO SENATORS from the SAME STATE, that while *he* could only be considered as representing Kentucky, Mr. Clay belonged to the country, and was the representative of the whole Union!

Mr. Clay, with desperate energy, rallied his partisans in the Senate of the United States, and called on them to stand by the system and the whole system." He termed the bankrupt law "a link in the great system of Whig measures." Some of his remarks on the occasion have been previously quoted. After making those remarks, he continued:

"To this whole system of measures of relief, and to each of its parts, our opponents made the most strenuous resistance, upon grounds which they, no doubt, considered satisfactory, although we could not concur with them. They would now gladly accomplish the subversion of *that system* which they could not then (at the extra session) defeat. To assail the whole system, they are perfectly aware would be unavailing, and they have hope of success but by attacking it in detail. Accordingly we find them all, with but few exceptions, arraying themselves *against the bankrupt law*, as the entering wedge to the destruction of that *entire system*."

These urgent appeals were successful. On the 28th of January, the final vote was taken in the Senate on the repeal bill from the House. On the question, Shall the bill pass? Mr. CLAY demanded the yeas and nays; which, being ordered and taken, were, yeas 22, nays 23.

YEAS—Messrs. Allen, Archer, Bayard, Benton, Buchanan, Calhoun, Fulton, Graham, King, Linn, McRoberts, Morehead, Pierce, Prentiss, Rives, Serier, Smith of Connecticut, Sturgeon, Tappan, Woodbury, Wright, and Young—22.

NAYS.—Messrs. Barrow, Bates, Berrien, Choate, Clay, Clayton, Evans, Henderson, Hunt, Kerr, Mangum, Merrick, Miller, Phelps, Porter, Simmons, Smith of Indiana, Southard, Tallmadge, Walker, White, Williams, and Woodbridge—23.

* Two Democrats, only, voting in the negative—one, it is believed, on account of instructions then unrequied.

So the repeal bill was rejected, and the odious law went into operation on the 1st day of February, 1842. And well do the people know what that operation was. It was a law, not for the benefit of the poor and unfortunate, but for speculators and schemers, who wished still to live in luxury while their creditors were starving. Property surrendered under its provisions, squandered in expenses and fees; suitors turned over to distant and expensive courts; half the actions on the dockets of the State courts struck off by the cabalistic words "In bankruptcy;" State laws and the rights of their citizens trampled in the dust; the business of the people transferred from their accustomed cheap and convenient tribunals, to remote, costly, and foreign judicatories, which, with enormous powers, and new-fangled processes, brought everything within their sway, and grasped everything within their reach. These were some of the fruits of the measure. A bankrupt law had been once before tried in the country. In the last year of the Federal administration of John Adams, a bankrupt law was passed. It was limited to five years; but in three years, the Democrats, under Mr. Jefferson, repealed it. That law, passed by the Federalists, under John Adams, became *odious from its effects*; but it was preferable to the law passed by the Federal Whigs, at the extra session, who were not content with imitating, but, with emulous zeal, went far beyond their predecessors and exemplars of old.

By the time of the assembling of Congress at their third session, in December, 1842, it was pretty generally believed that they would no longer be able to resist the public voice. And notwithstanding every effort was made by many of the Whig leaders to prevent it, on the 17th day of January, 1843, the "bill to repeal the bankrupt law" was passed in the House—not one Democrat voting in the negative.

On the 25th of February, 1843, the same bill was passed in the Senate—not one Democrat voting in the negative.

December 20, 1842, Mr. Everett, of Vermont, said, in the House of Representatives—urging the repeal of the law for which he had voted,—

"He was in favor of limiting it (the bankrupt law) to one year at the time of its passage; but he did not press his views on that point at that time, because he desired the passage of the law, and such a limitation might have endangered its passage. He now offered this bill for the repeal of the bankrupt law, because he conceived it to be *destroying confidence between man and man*; and seemed to be a shelter for those who were disposed to live without labor."

He also, in the course of the debate, said that he considered the law "as having performed its office."

Mr. Barnard of New York, Whig chairman of the Judiciary Committee, said:

"But his excellent friend from Vermont (Mr. Everett) had discovered that the bankrupt law had performed its office; that it had fulfilled its objects, and therefore ought to be repealed. He further avowed that it was his opinion, at the time the act was passed, that it should have been limited to the term of one year; that it ought to be a temporary law. What was a temporary law? What was it but *REPUDIATION in its most odious form—REPUDIATION by individuals of their own debts, at their own time.*"

Here is an open avowal of Mr. Everett, that he looked upon the bill as a temporary measure. It was not a system, but it was passed merely to

apply the sponge to existing contracts! He acknowledged its effect was to *destroy all confidence* between man and man. Mr. Barnard, its main supporter in the House, denounced it, if only intended for a limited time, as "*repudiation in its most odious form*—**REPUDIATION** by **INDIVIDUALS** of **THEIR OWN DEBTS AT THEIR OWN TIME.**" If such a law, for a short time, was to have such an effect, it is difficult to see how its **CONTINUANCE COULD MAKE IT ANY BETTER.**

Governor Pope, of Kentucky, a Whig, when the bankrupt law was under consideration at the extra session, said:

"If he was called on to give a title to this bill, he should call it a bill for the benefit of lawyers, commissioners, assignees, clerks, sheriffs, and their associates and dependants; these, he believed, would be the persons who would make the most out of it, while neither debtors nor creditors would get much of the spoils. Though young at the time, he had witnessed the practical effects of the law of 1800, and had seen large estates eaten up by lawyers and others appointed to take charge of them, while neither creditor nor debtor in the end got one dollar of the proceeds."

Again he said:

"*Even the omnipotence of the British Parliament dare not attempt such a thing.* It would be a violation of the Magna Charta, which declared the sacredness of private property."

Our limits will not permit us to give many of the names of the applicants for the benefit of this act, or the circumstances under which their applications were made. Suffice it to say, that in the list for New York city, the names appear of Silas M. Stilwell, and James Watson Webb, editor of the *Courier and Enquirer*. Were it not calculated to excite a stronger feeling, it might amuse us as exquisitely farcical to go back and consider the pompous professions made in behalf of Mr. Stilwell, when his petition was presented in February, 1840. He was a philanthropist, laboring, not to promote his own selfish aims, but, through the dictates of an enlarged benevolence, to aid the cause of suffering humanity, and to advance the good of his fellow-beings!

Mr. Tallmadge, on presenting Mr. Stilwell's petition, said:

"Among those who have been pioneers in this great undertaking, (abolition of imprisonment for debt,) no name stands more conspicuous than that of Silas M. Stilwell, and to none is greater honor due for *unwearied exertions and untiring perseverance in the great cause of philanthropy.*"

The report accompanying the resolutions of the Legislature of the State of New Hampshire, passed in December, 1842, and presented by Mr. Woodbury in the Senate, in that part which relates to the bankrupt law, well condenses some of the leading objections to it:

"*Resolved*, That the bankrupt bill, in the form in which the late act passed, was, in our opinion, both unconstitutional and inexpedient, and ought therefore to be annulled:

"Because such a bankrupt system as is authorized in the Constitution is one made for the benefit of creditors, and penal on defaulting debtors; no other having then been known or used: because most of the provisions of this bill are designed for the benefit of debtors, and are an insolvent system for their relief, rather than to aid creditors: because the act is penal against merchants, while it is voluntary only as it regards all other persons; and such legislation, however merciful and liberal in itself, can never come within the power above named as conferred on the General Government, but belongs and is reserved to the States, respectively: because, friendly as we are to honest debtors and honest creditors, we cannot countenance the General Government in exercising control over them, which has never been granted to it: and because we believe that the States not only possess all power over cases of mere insolvency, but can exercise it wiser, so as to suit better the wants and condition of the population of each State, respectively: because, to allow the General Government, as in this bankrupt bill, to interfere with cases not included in any bankrupt system known when the Constitution was adopted, tending to bring the trial of all contracts, and the jurisdiction of all debtors in the Union connected with insolvency, into the whirlpool of the Federal courts, is an alarming encroachment on State rights: because such an act, coupled with a like usurping power used, at the last session, to transfer from the States the trial of all burnings and murders like those of McLeod, to the same Federal courts, and to dictate

1 the State sovereignties, or order them to make single districts, under peril of disfranchisement, tends most rapidly to prostrate all State independence, as well as to build up a frightful, monopolizing, overshadowing despotism at the centre, which neither our *fathers* contemplated nor we should tolerate: because this bill disregards the sanctity of all existing contracts and the vested rights of creditors; and, at one sweep, both strips the States of authority, always heretofore exercised in insolvent cases, even under the old bankrupt law of 1801, and robs the whole class of creditors, female as well as male, orphans and minors, as well as adults, of rights and privileges deemed till now inviolate, and secured by all the sacredness of private contracts and the strongest force of State legislation: and because the remnants of property owned by bankrupts are, by the provisions of this bill, mostly squandered in expenses, through the great distances, fees, and costs in the Federal courts, paying little or nothing in most cases to creditors, while scarcely any debtors are relieved, who, if honest, could not, without the act, compromise with those they owe; and, if dishonest, do not merit so easy and sudden an escape from their solemn obligations."

Will the PEOPLE trust their rights and their interests to those who concocted and carried through this law; to the actors in the scenes which attended and marked, with an indelible brand, its inception and its progress; and who, to the last, resisted its repeal, in defiance of the public voice, and regardless of the just demands of an outraged community?

Let the *People* not forget the ORIGIN of the law. Let them not forget the MEANS by which it was carried through. Let them not forget the AUDACIOUS AVOWAL by Mr. Clay, of the log-rolling system by which it *was passed*, and by which he *attempted to sustain*, and *DID SUSTAIN* it, after the popular branch of Congress had voted its repeal. Hear his words: "Votes were given for SOME MEASURES in the series, not so much because they were IN CONSONANCE with the VIEWS of the CONSTITUENTS whose members gave those votes, as because they were wanted by other parts of the Union, and the COMPENSATION *was to be found* in OTHER MORE ACCEPTABLE MEASURES of the same series." Let the people not forget that its repeal was prevented in the Senate the session after it passed, and before it went into operation, by Mr. Clay, acting *against the well-known wishes* of the people of his State, as well as the *general public voice*. Let it be remembered, that Mr. Everett said of the law, "that it was destroying *confidence between man and man*; and seemed to be a SHELTER for those who WERE DISPOSED TO LIVE WITHOUT LABOR;" and that when he voted for it, he wished it to exist "only a LIMITED time!" Let it be remembered, that Mr. Barnard characterized it, if only for a limited time, as "REPUDIATION in its MOST ODISIOUS FORM—REPUDIATION by INDIVIDUALS of THEIR OWN DEBTS at THEIR OWN TIME." These gentlemen were both zealous advocates of the bill when it passed, and the latter strove to sustain it to the last. They were probably the two ablest Federal lawyers in the House of Representatives. *One acknowledged it to be an execrable and abominable measure, if intended for a permanent one; and the other acknowledged it equally so, if intended as only TEMPORARY.* Are the people ready to return to "the great SYSTEM OF WHIG MEASURES," of which, according to Mr. Clay, this law is "A LINK."

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Isaac Myers

TARIFF PROTECTION.

On the 30th of August, in the year 1842, a certain bill received the presidential approval, and became a law. It was called "An Act to provide Revenue from Imports." On its face, and by name, it was a revenue bill. In effect, and as a necessary and calculated result of its provisions, it was much more. It contained the legal machinery of a system, centuries old in other countries, but modern in this; a singular system, and founded on a singular idea; the idea, that taxes, so they be indirect and be paid in a custom house, are, not a necessary evil, but a positive good, to the people taxed. The advocates of this system, which they have strangely chosen to call *American*, contend, that industry is best fostered, and skill most effectually encouraged, by taxation. In the days of the Boston tea party, and for a quarter of a century thereafter, such a doctrine found small favor in the eyes of republicans. It remained for modern ingenuity to discover, that it benefits a nation to tax it, after any fashion, beyond the limit of the revenue necessary for its government. The Committee of Ways and Means of the United States House of Representatives, dissenting from that theory, have reported a bill, now under discussion, framed so as to effect a gradual return to the old revenue principles of Washington and Jefferson's times. It may be useful to discuss the merits and claim of a system, which it is thus proposed to abandon.

It is important to call things by their proper names. A false epithet lies commonly at the bottom of a false theory; and it is matter of marvel how vast and goodly a superstructure may be erected, by human ingenuity, on the frail and narrow basis of one false word.

Protection is the chief duty which a free government owes to its citizens; protection, not to life and limb and liberty alone, but to property and to the just means of acquiring property, labor. In feudal times, when the serf was called off from his plough, to waste his time in fighting as often as it pleased his liege lord to quarrel, that serf's industry grievously lacked protection. Or when a caravan of merchant adventurers was waylaid by the troops of some predatory baron, who levied contribution to any amount his rapacity might suggest, then there was imperative demand for the interposing shield of the law.

Such outrages have ceased; yet, in our day, much is still said, on both sides of the Atlantic, about the necessity of affording protection to domestic industry and commercial enterprise.

In England, the proprietors of land are the chief claimants. Their statement of grievance is after this wise: "We have invested much capital in land; we employ many hands in tilling it. We claim protection for our capital, and for their labor." And if they are asked how and by whom they are injured, and against what aggressors they require protection, they reply: "We are injured by the wheat-growers on the continent of Europe and in the United States of America. We demand protection against them. If we have the English grain-market to ourselves, we can obtain eight shillings a bushel for our wheat; but if they are permitted freely to compete with us, the price may fall to five shillings a bushel. We ask Parliament to interpose and protect our home industry against this threatened loss."

For nearly two centuries, the land-owners who compose the British Parliament, listening to such representations, have decided that domestic industry—and especially that most useful branch of it, agriculture—must be fostered and protected, by heavy duties, against such impending injury. (*Note 1.*) Thus the corn laws have remained, year after year; and the British land-owner, favored by their influence, has pocketed two dollars a bushel for his wheat.

It so happens, however, that wheat is consumed as well as produced; that there are bread-eaters as well as bread-raisers. The grain grown on one landlord's estate becomes the food, perhaps, of five hundred laborers' families. These laborers take their scanty earnings, and go into market, whence the protecting arm of Parliament has excluded German and Prussian and American cheap wheat; and there, one week's ordinary wages buys a bushel of wheat. If there were free trade in corn, four days' earnings would purchase the same quantity, and two days' wages would remain in the laborer's purse. But Parliament, the guardian of home industry, will not permit this. So the landlord gets his two dollars a bushel, and the five hundred laborers pay it. This policy is called patriotic; and this robbery goes by the name of **PROTECTION**.

In these United States, the class of claimants is different, but the nature of the claim is the same. Our farmers, though worse paid for their labor than men in any other trade or profession, do not, like the British land-owners, ask for laws to raise the price of corn or pork. Almost the only protection for farm labor they have ever demanded from Congress is a pre-emption law; by which, when a man expends long years of toil in clearing and rendering valuable a piece of land, he shall be protected from the chance of a speculator seizing upon the fruits of that labor, and appropriating it, without payment for it, to himself. And, be it remembered! when this measure of true protection—this law to prevent the unjust appropriation by one man of the labor of another—when this righteous pre-emption bill was before the National Legislature, he, the very father of the American Protective System, (Henry Clay,) from his place in the Senate, declared, that the entire pre-emption system was a violation of all law; that the pre-emptors—squatters was the word he used—were a lawless rabble; and that when a man settled and improved a piece of government land, he committed an act of robbery as criminal as to break into the public treasury and steal from it the dollars it contains. (*Note 2.*)

But, though the land-owners of the United States, with an exception in the South, ask little or no governmental protection in market, there are other classes of men among us, chiefly manufacturing capi-

talists, many of whom adopt the principles, and employ the very words, of the landed aristocracy of Great Britain. The American manufacturer feels himself to be, as he truly is, a highly useful member of society. He likes good prices and fair profits, as it is natural he should. When these fail him, as in hard times they fail all classes, he has been tempted to cast about for relief to himself, as he justly may: but at the expense of others, and that he justly may not. He sees the favors granted to privileged orders in other nations, and is led to covet them. Like the English landlord, he complains to his government that he is an injured sufferer; injured by foreign competition; a sufferer by the cheap goods which the manufacturers of England and France and Germany bring into the market, that would otherwise be all his own. Like the British wheat-raiser, he would like to have the burden shifted to other shoulders than his; he demands that the Southern planter and the Western merchant and his own home customers shall be made to buy dear goods of him, instead of buying cheap goods from others. And a Whig Congress, following the example of Parliament, is induced to decree (if not without reference to revenue, certainly far beyond its limits) that cheap goods brought from other countries shall be shut out from the American market, or so heavily taxed as to come up to the price, which the favored manufacturer here sees fit to ask for his. This is called protection against foreign aggression.

An anecdote, which some humorist has related, aptly illustrates the justice of the proceeding. An old lady had an awkward chimney that required sweeping, and she engaged the services of a distinguished professor of the sooty art. The chimney was high and narrow and crooked; but what difficulties will not science and ingenuity overcome? The chimney-sweep, like other great inventors, had a long-cherished scheme in his head, and that seemed the auspicious moment to carry it out. "Madam," said he, "this is my plan. I will tie a rope to the legs of a large stout goose, and drag the bird down your chimney; it will flap its wings as it descends, and thus effectually sweep it out." "But," said the lady—she was a kind old soul—"the poor goose! what a cruel thing for it!" The man of ropes and brushes was posed for a moment; but true genius is never without resource. "Madam," said he, unconsciously adopting the very words of a celebrated ancient philosopher, under similar circumstances, "I have found it!" "Well?" said the lady. "If your ladyship thinks it would be cruel to drag a goose down the chimney, a couple of ducks might do just as well!"

The protection of a tariff is of a piece with the humanity of the chimney-sweep. The landed proprietor in England, the manufacturing capitalist in America, complain to their respective governments, that their rents and profits will suffer grievously by a reduction of duties. That is the case of the goose. Parliament and Congress, at the instance of this small class of sellers, decree, by way of relieving them, that the numerous class of buyers shall suffer in their stead. This is, very clearly, the case of the ducks.

Now, let our sympathies be inlisted on one side or the other, it must at least be confessed that this is rather a singular mode of *protecting rights*. When a man seeks to pick my pocket of twenty dollars, I very properly demand, that the law should protect my pocket. But when I ask a legislative body to take twenty dollars out of my neighbor's pocket and put it into mine, it would be a somewhat unintelligible mode of phrasing the request to say, that I desired to have the twenty dollars *protected into my pocket*. Protected in my pocket, that one can understand; but protected *into* it! The very grammar of our language rises up in judgment against a doctrine like that.

To this, of course, there is a reply. When did privilege ever lack specious argument to back her pretensions?

The reply is, that a protective tariff picks nobody's pocket; nobody's, at least, in this country. The doctrine of the advocates of protection—the stereotyped doctrine—the great tortoise upon which the entire world of their theory reposes—is, that "a tariff tax does not raise to the consumer the price of the article taxed." And, by way of explaining an assertion which somewhat shocks the sense of plain men, they add, (to employ the words of one of their most eloquent advocates,) that "by shutting out foreign competition, the home manufacturer, having a larger and more secure market, can afford to produce cheaper, and will do so. So can the English corn-law-protected wheat-grower, having the market to himself, *afford* to sell cheaper than if foreign competition were freely permitted. But it is contrary to all experience, that to restrict competition is an effectual method of causing those who are privileged by the restriction to lower their prices. Three hundred years ago, Queen Elizabeth granted to certain corporations in England the exclusive right to manufacture salt; and history tells us, that they raised the price of that indispensable article from sixteen pence to fourteen or fifteen shillings; upwards of *ten fold*! one of the most striking facts recorded in the commercial history of the world! Yet these patentees, having a whole nation to supply, had a market large and secure enough to be a cheap one, if that be the condition of cheapness. A class of men, privileged by a protective tariff, obtain a sort of chartered monopoly, on a very extended scale indeed, and, for that reason, with less power of mischief; just as a dose of arsenic in a hoghead of water loses its deadly effect by dilution. But as each cupfull of that water still retains a portion of the poisonous quality, so does monopoly, however diluted, remain, in principle though with lessened effect, monopoly still. It is not the price a monopolist *can afford to sell at*, it is the price he *can get*, that regulates an exclusive market.

To sift other similar sophisms, the good sense of the people may safely be trusted to suggest reply. When the manufacturing capitalist, seeking to increase his profits, reiterates, in speech and tract and periodical, this favorite absurdity, that a tariff tax imposed on an article causes no increase in its price, what answer will that good sense commonly suggest? A very simple and straightforward one, as thus:

"But as that tax is actually paid, some one must pay it. If five cents go into the treasury for every yard of foreign calico sold to us, that five cents must come out of somebody's pocket. Out of the English calico-printers, perhaps? Be it so. Then it becomes to him, in our market, part of the prime cost of his

calico. If he cannot afford to pay that five cents, and if, for that reason, he ceases to sell to us, all revenue from that source is destroyed. But if he continue to sell to us, then it is clear, that he gets from us his own first cost of production, his own profit, and *the tariff tax besides.*"

Thus will plain men reason; and most logically reason, too. The condition upon which alone permanent commerce can exist, is, that the seller shall obtain from the buyer some profit, over and above the entire cost of the article sold, including all expenses, be they freight, insurance, exchange, a tariff tax, or any other outlay of capital. If a law be passed which raises any one class of these expenses, the direct and inevitable effect is, as a general rule, to raise prices. To deny this, is to deny that the buyer pays expenses on the article he buys. It is an outrage on common sense.

It is easy to throw dust in some men's eyes; and to persuade shallow thinkers of any absurdity. The wonderful improvements in modern machinery cause the prices of manufactured articles perpetually and rapidly to decline. When an increased tariff just arrests this fall of prices, the fact is taken to prove, that to raise the tariff is not to increase the price. Or, perhaps, some caprice of the market—and a spoiled child is not more full of whims than the market is—may be brought up to show, that at the very time the tariff on a particular article was raised, the price of that article remained stationary or fell. All general rules have their exceptions; but the rule in this case is as clear, as that a man cannot make a living by selling goods under first cost.

To evade these home truths, some assert, that an increased tariff tax "is paid solely out of the profits of the merchant." To be consistent, they should assert also, that if freights were to become double what they are, or domestic exchanges were to run up to 10 or 15 per cent. as in 1839, nay if manufacturers were to put thirty or forty per cent. additional on every article they manufactured, all this would not raise the price to the customer who bought the goods, but only cut down the profits of the merchant who sold them. But that (it will be said) is grossly absurd, contrary to daily experience, and no man of common sagacity will believe it. Very well. Then why believe the assertion, no whit more absurd, that the particular item of cost paid to the government and called a tariff tax, does not add to the price of the article taxed?

And then, if this bare-faced piece of sophistry were actually true, what would become of the theory of protection? If a tariff does not raise prices, or as some Don Quixotes of the protective theory will have it, if it lower prices, by what legerdemain does it favor home industry? What is the complaint of the manufacturer? Is it that men insist upon paying him too high prices for his goods? and does his conscience compel him to ask for a high tariff, in order to reduce them? Has he been moving Heaven and Earth, appealing to the public through a thousand periodicals, besieging the halls of Congress with ten thousand petitions, all to cut down his own prices, or, at best, to leave them just where they were, neither higher nor lower? Do men—classes of men whose avowed business it is to buy cheap and sell dear—do such men toil day and night, rise early and sit late, ransack their brains for schemes of commercial restriction, at the prompting of motives like that?

"To laugh were want of goodness and of grace;
But to be grave exceeds all power of face."

Apart from such consideration, however, the flimsy absurdity of this doctrine—too childish for serious refutation, but that names of repute are among its advocates—is clearly apparent in an extreme case. Tobacco is worth, in the New Orleans market, some five cents a pound; or fifty dollars per hogshead of a thousand pounds. The duty on that article by the present British tariff is seventy-two cents a pound, or seven hundred and twenty dollars a hogshead. According to the theory of the protectionist, this tariff tax on tobacco imported into England is paid either by the foreign producer—in this case the American tobacco-raiser—or it comes out of the profits of the importing merchant; it is *not* paid by the British consumer of the weed. Does it come out of the pocket of the tobacco planter? Does he receive fifty dollars per hogshead for his tobacco, and lose seven hundred and twenty dollars per hogshead, expenses on it? It must be a wonderful business, this tobacco planting, and men must grow marvellously rich by following it, at that rate! Or is the British merchant the loser by it? Does he pay five cents a pound for it in the New Orleans market, and seventy-two cents a pound to his own government, and then turn round and sell it to his customers for a moderate advance on five cents a pound, without any reference to the seventy-two cents duty, which modern theorists assure him is to be deducted from his own profits and is not to raise the price of the article to those who buy of him? That would be a novel method of doing business! And it would require some ingenuity to calculate, how large a fortune a merchant must have before he could afford to engage in the patriotic and self-sacrificing employment of retailing at seven or eight cents a pound tobacco that cost him seventy-seven!

But who, in very deed, pays the tobacco tax imposed by the British tariff? Who? The same, who pays the window-tax and the bread-tax and a thousand others besides; the same from whose capacious pocket are taken, year after year, two hundred and fifty millions of dollars, to pamper a king and pension an aristocracy; John Bull, the patient, the enduring, the tax-paying; he, every time he smokes a cigar, or inhales a pinch of snuff, or indulges in a quid of tobacco—he and he alone—pays it. His government levies the tax, and upon him—not upon the American planter, not upon the importing or retailing merchant—but upon him, the consumer, falls the enormous duty. Try to persuade him that his tobacco would be no cheaper, if freed from the tariff tax. Explain to him that pretty theory of our American protectionists. You may spare yourself the trouble. John Bull is loyal and credulous, and it is no very difficult matter, in ordinary cases, to cast dust in his eyes; but, for anything so palpably absurd, he has a little too much hard sense, to swallow that.

In this case, the fallacy of the doctrine stands forth in the extreme; in the case of a protective-tariff tax of forty or fifty per cent. on cotton or woollen goods, it appears in the degree only; but in both, the principle is identical.

An objector still replies, perhaps, that the cases are so far dissimilar that tobacco is not grown in England, and thus domestic competition in the article does not exist. Suppose tobacco were grown there; what, then, would be the result? Either the English-grown tobacco must then fetch seventy-seven cents a pound, or else no importer could afford to pay the seventy-two cents duty. In the latter case, the revenue would be wholly lost. In the former case, besides the tax actually obtained by Government, another tax would be paid by the tobacco consumer, not into the treasury, but into the pockets of the tobacco raiser, or rather of the owners of tobacco-growing lands; they would obtain ten times the real value of their produce. The British tariff tax on wheat is a practical illustration precisely in point. That article is grown in the country, and domestic competition exists. The annual produce of wheat in Great Britain and Ireland, according to the latest authorities, is about one hundred and twenty-five million bushels a year. (Note 3.) Its average price, which used to be nearly two dollars and a quarter a bushel, has, for the last twelve years, been a dollar and seventy-five cents. Our western country could supply the English market with wheat worth seventy-five cents at home, for a dollar and a quarter; or, leave ten cents as an additional margin, and say a dollar and thirty-five cents. Free trade, in corn, then, might be expected to bring wheat down at least forty cents a bushel in England. We may consider the British consumer, therefore, as taxed by the corn laws forty cents per bushel, on a hundred and twenty-five millions of bushels; that is, FIFTY MILLIONS OF DOLLARS annually. But the average revenue derived to the British Government, during the last twelve or fourteen years, from the tariff on wheat, is less than a million and a half of dollars a year. (Note 4.) The practical result of the English corn laws is, therefore, that an annual tax of fifty millions is levied upon the people of Great Britain, of which upwards of forty-eight millions and a half is paid into the pockets of the land-owners, and less than a million and a half into the coffers of the Government. Here is protection destroying revenue, as all high protection does. Here is the British laborer, the oppressed consumer, not only paying the tariff tax which his Government imposes, but for every single bushel of wheat on which he pays that tax into the national treasury, he pays it on THIRTY bushels to the nobility and landed aristocracy of his country:—"men," as Jefferson expressed it, "booted and spurred, who ride him legitimately, by the grace of God."

But the corn laws of England injure the produce trade of other nations, (our own for example,) as well as oppressing the British consumer. Doubtless they do. The evil effects of these bad laws are not wholly confined to the country where they are enacted. And what a comfort it must be to the laborer of Britain, when the earnings of two days out of every six are stolen from him, week after week and year after year, by a protective bread tax, to be told that Prussia, and Germany, and America, are cramped in their foreign commerce by the same iniquity that daily picks his pocket!

And this system of legalized plunder it is which we are unblushingly told that we, republicans and freemen as we claim to be, are to admire and to imitate. But let these importers of British systems speak for themselves. In an address which has recently been officially put forth by the "American Institute," the mouth-piece of the New-York protectionists, we find the orator declaring: "The English have always pursued this policy of encouraging only their own people." And this policy, he proceeds to say, "has rendered them the most wealthy and most powerful nation upon earth." His conclusion is, "Why should we not follow such a prosperous example?"

Are these doctrines of the New-York protectionists disavowed by the Whig party? Let a recent tract, entitled "Tariff Doctrine," and which is "published by order of the Whig Congressional Executive Committee," furnish the reply. There cannot be higher or more strictly official authority in regard to Whig doctrines. Now, mark what is in that tract openly avowed. On page 9, we find the following passage:

"We here beg leave to remark, that we know of no good reason why so large a share of our trade with foreign countries (more than one-third of the whole) should be carried on between the United States and Great Britain, unless it be owing to the wisdom in legislation, and skill in administration, practised by that nation for the protection of their own interests in agriculture, commerce, and manufactures."

Here is an adoption, an endorsement, in the very strongest terms, by the highest official Whig authority, of all and more than all that the orator of the Institute ventured to say. The "Whig Congressional Executive Committee" proclaim to us the "wisdom in legislation"—the WISDOM, observe!—the highest wisdom which the legislators of one nation could bestow on those of another—and the "skill in administration" of the British Parliament, when it enacts its iniquitous corn laws, that snatch the bread ere it reaches the starving laborer's lips! Who, after this, will dare to deny that Whig Congressmen, with visions about an American system ever on their lips, approve, justify, applaud, import—and that avowedly and aboveboard—the system, as they term it, the wise and SKILFULLY ADMINISTERED system, of a ded aristocracy of England? Wise! yes, if to legislate with selfish wickedness for one's own class and aboveboard. Skillful! yes, if to tread down the nobility of labor, like a crushed worm in the dust, be proof of skill.

Such be the wisdom and such the skill which the Whig Congressional Executive Committee devoutly may the free citizens of democratic America pray, that, under the yoke of rulers and principles like these, never, while time lasts, may they be condemned to pass!

Let us admit, however, that the New-York orator of the Institute says one true thing: Great Britain is probably the most wealthy nation upon earth. The average income, per head, of her entire population, is upwards of a hundred dollars a year; fifty per cent. higher, probably, than the average in these United States. (Note 5.) But how is that average income divided? Her people might be—with such an income they ought to be—comfortable and happy. Are they happy? Are they comfortable? To those who

read the English journals, and note the tales of misery with which these are daily filled, the questions may seem put in mockery. Let others, to whom the secrets of the prison-house may not have been revealed, examine a few authentic items here submitted:

The first is from the statistics of an annual report recently published by the Liverpool branch of the Corn-Law League. In reference to the general condition of Great Britain, the report says:

"In our manufacturing counties every *eleventh* inhabitant, and in our agricultural counties every *eighth* inhabitant, is a pauper receiving parish relief. This, however, by no means represents the whole amount of suffering. The horror of being branded as a pauper is so prevalent among the industrial population, *that thousands prefer death by gradual starvation to placing themselves on the parish funds.*"—(Note 6.)

And the (London) "League" of November 11, 1843, informs us: "At the meeting of the British association held in Manchester last year, Dr. Alison, of Edinburgh, stated before the statistical section, that, in that capital, of 137,000 inhabitants, there were actually not less than 23,000 persons, or *one in every six*, in a state of utter destitution."

How eloquent are these mute and simple figures! In that garden-land, where wealth holds revel, and luxury has set up her throne—in that land, of which we are to envy the prosperity, and emulate the example—there, pauperism decimates the population! Throughout the length and breadth of England,—*"merrie England"* no longer!—more than one man out of every ten must bend down his soul to receive at the hands of a stranger—an insolent official, perhaps—the bitter dole of charity.

Would you look yet closer upon this picture of wholesale suffering? Take, then, another quotation from the Liverpool report. After stating that the council of the association had directed an official examination into the social condition of their own town, the report adds, that they had first selected Vauxhall ward; "though, from the large number of superior mechanics living in the ward, it is probable that the average condition shown there is *superior to what might be found for the whole borough.*" And what is the condition of this ward? Read!

"Nearly six thousand families reside in Vauxhall ward; of whom 881 belong to the middle class. The circumstances of 4,814 families were examined; every care being taken to secure accuracy in the return; and it was found, that, of these,

"1,737 were entirely without employment;

"1,587 partially employed; and

"1,490 fully employed.

"It was ascertained, that the total earnings of 4,387 families amounted to £2,024 per week, being 9s. 3d. (two dollars twenty cents) per family on the average; but that £1,030 were received by 955 families, thus leaving only £994 to be divided among the remaining 3,432 families, being 5s. 9d. (one dollar and forty cents) per week for each; or, counting four persons to a family, 2½d. (five cents) per day for each individual."

If the account were less authentic, or less minute in its details, the result would stagger belief. In a ward containing 24,000 souls, of better average condition than the population of the opulent and flourishing city of Liverpool, *more than one half* the inhabitants have but the wretched allowance of five cents—**FIVE CENTS!**—a day, to keep body and soul together! that, too, in a country where wheat costs two dollars a bushel, and meat twelve cents a pound! And if any one yet ask, how, with means so hopelessly inadequate, the lamp of life is fed at all, the report still furnishes the terrible reply:

"Information was also obtained as to the way in which a large portion of the indigent poor supported themselves. It was found that 1,052 families lived by pawning, charity, and prostitution; 1,017 by savings, credit, relations, and casual employment; 57 by parish relief, with other assistance."

More than one-half the living creatures that congregate in a princely city lingering out life on a pittance that equals for each individual per day the price of a **SINGLE POUND OF FLOUR!**—less than the price of **ONE HALF POUND OF MEAT!** One-sixth of that entire city beggars and prostitutes! The mind cannot grasp—cannot realize this wholesale exhibition of shame and woe. "The multitude of sad groups," as *Sterne* has expressed it, "do but distract us." Let us take the "single captive," then. And touchingly has the picture been drawn by one of these down-trodden millions—a Plebeian poet—a man who has lived and suffered among the scenes he well describes:

"God help the poor! an infant's feeble wail
Comes from yon narrow gateway: and behold
A female crouching there, so deathly pale,
Huddling her child to screen it from the cold!
Her vesture scant, her bonnet crushed and torn,
A thin shawl doth her baby dear enfold;
And there she bides the ruthless gale of morn,
Which to her very heart hath sent its cold!
And now she sudden darts a ravening look,
As one with new hot bread comes past the nook!
And, as the tempting lead is onward borne,
She weeps! God help thee, hapless one, forlorn!"

Let it not be imagined that such examples of wretchedness are found among the outcasts of great cities alone. The leprosy of destitution has spread itself far and wide, over the entire extent of the land; entering not alone the cellar or the garret of the crowded alley, but penetrating to the hamlet of the cottager,

to the cold and comfortless hearth of the tiller of the soil. He who feeds the world is himself on the verge of starvation! "There is not a step," says the Westminster Review, "but simply a hand's breadth, between the agricultural laborer and pauperism." A laborer at Bidefort, in Devonshire, was recently tried for stealing a piece of bacon; and the wife of his employer deposed:

"My husband gives the prisoner six shillings (a dollar and forty-six cents) a week. We sometimes gave him his dinner, if we thought he had none. Six shillings is the usual rate of wages."

"The prisoner had a wife and three children; the jury found him guilty, but recommended him to mercy on account of his poverty."

Where, then, is the abundant wealth, which England's political writers vauntingly put forth, in their long statistical tables, as the heritage of her favored people? Where? We hear daily instances among her nobility and gentry of men dying, and leaving behind them a million of dollars, five, ten—in a recent case twenty millions—to, curse and ruin, mind and body, those who succeed to the bloated inheritance. The farm laborer, with his wife and her little ones to clothe and feed—toiling to live, and living only to die—receives in return for an entire week of that ceaseless toil, the price of one bushel of wheat; but the stock of cigars of the late Duke of Sussex was sold, the other day at auction, for Ten Thousand Dollars!

And this is the land—its people crushed down with poverty, its nobles revelling in pomp and pride—this is the wealthy and powerful nation, whose system of policy we are to adopt; the wickedness—that is the honest word—the wickedness of whose rulers we are to set up as a shining light to guide our statesmen—as a lamp to direct our steps!

Has not the "Whig Congressional Executive Committee" officially extolled the wisdom of that system—expressly avowed their admiration of the skill of these rulers? And have we not found it written, "W^{AY} S^HO^UL^D WE N^OT F^OL^LO^W S^UCH A P^RO^SP^ER^OU^S E^XA^MP^LE?" Shame! Shame on the question! There may be one excuse—there is *but* one—for the man, treading this soil of the free, who could put such a question to a republican audience; and it is, that he knew nothing of the actual state of that country, whose "prosperous example" he holds up to our envy and imitation.

And it is he, and such as he, who are terribly shocked at foreign importations of linens and broad-cloths and calicoes! They detest and abjure the abomination of clothing from a British loom. Ah! truly has politics her Pharisees, as well as religion—men who strain at a gnat and swallow a camel. Foreign importations! Better a whole world of British calicoes than one British system! Our wives and children may wear the one, and be no whit the worse republicans for the cheap and simple wear; but let our statesmen imitate and adopt the other, and it will sap the foundation of our institutions; ay! endanger—did it not once in the days of the blue cockade and palmetto button?—endanger even the integrity of our Union.

To no illiberal prejudice let us appeal. He is the enemy of his kind who would suborn, as auxiliary in party strife, the evil spirit of national animosity. So far as the doings of other nations are just and wise, we are not permitted only—by the dictates of enlightened policy we are enjoined—to imitate them; and there is an example, a noble example set us by Great Britain, which we would do well to follow; but an example set by her suffering Many, not by her ruling Few. Let us distinguish—and we are too apt to overlook this—let us distinguish well between the People and their Rulers—between the oppressors and the oppressed. These oppressors we might still address, as that apostle of Freedom, good old John Milton, addressed them two hundred years ago:

"Lords and Commons of England! Consider what it is whereof ye are, and whereof ye are the governors; a nation not slow and dull, but of a quick, ingenious, and piercing spirit; acute to invent, subtle and sinewy to discourse, not beneath any point—the highest that human capacity can soar to. What wants there, to such a towardly and pregnant soil, but wise and faithful laborers, to make a knowing people?"

Such faithful laborers have been found. The spirit of Hampden and of Sidney—that spirit from which an offset was erst transplanted to these shores, to spread and flourish, and bless this Western republic—that sturdy spirit lives in the little island yet. It is, even now, stirring up her thousands and tens of thousands; and these are banding themselves together, to destroy, by the slow but resistless force of reason and of public opinion, that iniquitous system which our own aristocracy still hope to retain and to perpetuate.

At a recent meeting of the Free-trade League, held at Manchester, sixty thousand dollars (practical proof of sincerity, that!) were collected in a single day. Three hundred and fifty thousand dollars have been subscribed to the League fund this season, already; and the friends of that Association confidently assert that, "if necessary, double the amount will be raised next year." These vast sums are expended in disseminating cheap pamphlets, explaining and enforcing the doctrines of free trade. Last year, in the course of six weeks, one million packages, each containing twelve short tracts, were gratuitously distributed throughout Great Britain.

But while the friends of equal rights in England are thus nobly waging battle against the monopoly of their protective system, we are called upon to foster the iniquity they are discarding; and as they chase the unsightly monster from his den in the Old World, we are to receive and pamper him in the rich fields and free forests of the New?

The success, however, or the failure of foreign attempts at reform, should not influence our course. Let European nations act as they will, our duty is simple and straightforward. A free government has no right to her children of preference. A law expressly framed to favor one class, or say, to relieve one class of the community from a burden by shifting that burden, directly or indirectly, to the shoulders of another class, is more than an injustice—it is a usurpation. The necessity for revenue justifies taxation. Nothing

else can. To tax permanently, in any form, with any intention, beyond the limit of necessary revenue, is to CONFISCATE.

And for whom, in our country, this usurpation! For whose benefit this confiscation of the property of free citizens? It is bad enough when the reckless Many, in the pride of their numerical strength, ride over the rights of the helpless Few; it is far worse when the Many suffer, that the Few may gain. Class legislation is ever to be deprecated; yet if it have an excusable phase, it is, when inordinate wealth is made to bear a disproportioned burden in favor, and for the relief, of poverty.

But how stands the case now before us? The agricultural interest bears the burden; the trading and manufacturing classes reap the benefit. Now, for every person actually engaged in trade or manufacture, in the United States, there are upwards of four employed in agriculture; and the wages and profits of the former average, as the late census returns prove, upwards of FIFTY PER CENT. higher than those of the latter; in the proportion of fifteen dollars a month to the farmer, and more than twenty-five dollars a month to the manufacturer. Thus, then, a privileging tariff acts. It takes from the pockets of four men, to fill the purse of one; and—using the terms rich and poor by comparison—it selects the poor from whom to take, and the rich to whom to give. Let the people of this Republic but see and test, and thoroughly understand such a system, and its existence and its injustice will soon terminate together!

It is true, and ought not to be forgotten, that there are very many, among our manufacturers, who are moderate and far-sighted enough to regret the importunate and unreasonable claims set up by the class to which they belong; and who are satisfied with that measure of protection which a strictly revenue tariff of necessity affords them. They feel that sudden fluctuations are ruinous to commerce. They are fully aware, that stability, with a low revenue duty, is, in the end, far preferable to instability, the sure result, as Henry Clay has himself confessed, of high protection.

But it must be admitted, that the same spirit of moderation and conciliation, which thus animates a minority only among manufacturers, is shown by almost the entire body of those who suffer under the protective system. Observe the reasonableness of the position which the opponents of a protective tariff assume. The South and the West almost unanimously consent to *any tariff tax that is required for economical revenue*. To adopt that mode of taxation at all, is a great concession to their brethren of the North and East; and as such, they ought to regard it. To the amount of the revenue duty their manufactures are, not protected but privileged. It is a bounty granted to them, incidentally indeed, but not the less at the expense of others. The friends of a revenue tariff do not complain of that, however; but what they do complain of is, that these favored sections of the Union, not satisfied with the privilege of such a tariff, are, like other privileged bodies, ever grasping after more. The anti-protectionists agree to pay, in an indirect form for the advantage of manufacturers, twenty—twenty-five per cent.—one dollar for every four or five of first cost—or even more if fairly required for revenue—on articles coming into competition with their manufactures. They make no objection to all this. But what they do object to is, that this monopolizing interest, after all they have done for it, should still, like the horse-leach, cry Give! give!—that, in spite of tacit pledges once solemnly made to the contrary, it has demanded, and obtained at the hands of a Whig Congress, a tariff as high—to the full as odiously oppressive—as that of 1823; the same that half kindled the torch of civil war in the land, and threatened—what the united forces of Europe might attempt in vain—the very dismemberment of our glorious Confederacy.

NOTE. 1.

The first English corn law was passed in 1670. It imposed "prohibitory duties on the importation of wheat, till the price rose to 53s. 4d., and a duty of rs. between that price and 80s."—*McCulloch's Dictionary of Commerce*, p. 404.

It is a singular item in the history of commercial restrictions, that from the conquest until the year 1836, the exportation of wheat from England was actually prohibited: afterwards, heavy duties were imposed upon exportation; now it is free. "For 500 years after the conquest, importation was substantially free;" while, "during the last century and a half it has, for the most part, been subjected to severe restrictions."—*Ibid.*, p. 403.

NOTE 2.

In Senate, January 26, 1838, pending the discussion of the bill, granting "pre-emptions to actual settlers," Mr. CLAY, of Kentucky, said: "In no shape in which the bill could be placed, could he be brought to vote for it. The whole pre-emption system was a violation of all law, and an encouragement for persons to go on the public lands and take the choicest portion of them, as suited their interests or inclinations."—*Congressional Globe*, 2d Session, 25th Congress, p. 142.

Mr. CLAY's language on this occasion, as given in Niles's Register, is: "All pre-emption laws were nothing more than a struggle between those who would violate the law and those who would maintain its supremacy."—*Register of February 3, 1838*, p. 358. And again: "He (Mr. CLAY) would like to know by what authority such a bill could be passed. He regarded it as a reward for the violation of law," &c.—*Same Register*, p. 359.

In Senate, January 27, 1838, Mr. TIPTON said: "He understood that the Senator from Kentucky denounced the settlers on the lands as a lawless banditti of land robbers, unjustly grasping at the public treasure."

Here Mr. CLAY rose and said, "He would repeat what he did say on the occasion referred to by the honorable Senator from Indiana. He did say, that the squatters on the public lands were a lawless rabble; that they might as well seize upon our forts, our arsenals, or on the public treasure, as to rush out and seize on the public lands,"—*National Intelligencer of February 5, 1838*.

NOTE 3.

McQUEEN, in his "General Statistics of the British Empire," 1836, p. 30, states, that "the land cultivated in wheat in the United Kingdom, is certainly upwards of five millions of acres." He estimates the average produce per acre at 4 quarters, or 32 bushels; but this is probably too high. SPACKMAN, in his "Statistics of the British Empire," 1843, p. 13, gives us the average produce from the year 1828 to 1842 at 21 bushels per acre; adding, however, that recent improvements in agriculture have raised it, perhaps a sixth. Taking it at 25 bushels per acre, which may be near the truth, it would give us *one hundred and twenty-five million bushels*, as the annual production of Great Britain and Ireland.

The average price for 30 years, from 1800 to 1830, was two dollars and twenty-three cents a bushel. Laterly it has been lower. For the last 12 years, namely, from 1831 to 1842 inclusive, the average has been seven shillings and two pence, or a dollar and seventy-five cents, per bushel.—*Spackman, p. 15.* That was its average for the year 1842. (*Ibid.*) At that price the duty is nearly two shillings, say fifty cents, a bushel.

The average price of wheat in France (separated but by a narrow channel from corn-law-ridden England) from 1819 to 1836 inclusive, was 40 shillings and a penny per quarter; or a dollar and twenty-two cents per bushel.—*Supplement to McCulloch's Dictionary of Commerce, article Corn, p. 35.*

The closest rate of exchange of flour for wheat is 4 bushels and 45 lbs. for a barrel of 196 lbs. This would bring flour up to five cents a pound, where wheat is worth \$2 a bushel. As this has been about the average price of wheat in England for the last 40 years, the price—the retail price especially—of flour in England throughout that period cannot have averaged less than *five cents* a pound.

NOTE 4.

It is well known, that the British tariff duties on wheat are graduated, according to what is called the "sliding scale;" so that in proportion as the price of wheat rises the duty diminishes; and as the price of wheat sinks the duty increases. At the usual prices of wheat, the duty amounts nearly to a prohibition. Spackman, in his "Statistics of the British Empire" (for 1843, at page 42) gives the "total quantity of foreign and colonial wheat entered for home consumption, from 15th July, 1828, to December, 1841, with the total amount of duty received thereon." The quantity is 13,555,471 quarters, and the total duty (for thirteen years and a half) is £3,779,417; or between 18 and 19 millions of dollars. This gives the average total of duty paid into the treasury each year, about \$1,400,000; which is but about the *one hundred and seventieth part* of the entire taxes levied in Great Britain.

NOTE 5.

In table No. 17, appended to Senator Woodbury's tariff speech of Feb. 7 and 8, 1844, Mr. W. gives as an average obtained from the census documents, the yearly income per head for each individual in the United States, *seventy-one dollars*. This, though the data are imperfect, is probably near the truth.

Spackman (Statistics 1843, p. 160) gives us the estimated yearly income of Great Britain and Ireland at £535,291,447 sterling; with a population of about 26½ millions; say £20, or a hundred dollars, a head. Other writers (McQueen, for example, Statistics p. 220) estimate the total income as high as 700 millions; which would give a hundred and thirty dollars a head. Call it but a hundred and seven dollars; and it would exceed, by fifty per cent, the average income of the United States as computed by Mr. Woodbury.

NOTE 6.

See "Annual Report of the Council of the Liverpool Anti-monopoly Association (Liverpool branch of the League) for the year 1842," first quotation at page 29; the second at page 6. On the latter page is a note appended to the item of "1587 families partially employed;" which note reads thus:

"Of whom 27 were employed 5 days per week.

324	do.	4	do.
595	do.	3	do.
465	do.	2	do.
176	do.	1	do.

1587"

It is added here, to show the care and accuracy bestowed on an investigation, that discloses such startling and terrible results.

It is not, of course, argued, that these results are all to be ascribed to corn laws or a tariff system; but the existence of such wide-spreading misery shows the utter fallacy of the common argument, that we ought to imitate England's system of policy, because of her "prosperous example."

That England's tariff and excise systems, furnishing, in an indirect form, nine-tenths of her revenue, incalculably aggravate these evils, no one conversant with the facts will deny. The (London) League of March 9, 1844, furnishes the detailed expenditure of two English families, selected as personally known to the writer, neither being extreme cases; showing, item by item, the *proportion* of taxes paid under this system, by the rich and the poor. The one family is that of John Allen, a working man, with a wife and five children; his expenditure was about \$250, his taxes \$25. The other, that of a family in easy circumstances, spending about \$7,000 a year; their taxes about \$400; and of these last Sir Robert Peel's lately enacted income tax raised upwards of one half. The poor man paid *ten* per cent. of his small income, the rich man *six* per cent. of his large one; and before the enacting of the income tax, the proportion would have been *ten* to *three*. Yet even this gross disparity gives one no just idea of the actual state of the case. The tariff on wheat alone puts into the pockets of the landed proprietor more, twice over, than all the taxes that proprietor pays, direct or indirect.





From a Miniature by Blanchard

Engraved by A. L. Dick

J. C. Calhoun

L I F E O F J O H N C. C A L H O U N.

CHAPTER I.

Including the Period from his Infancy until he entered Congress.

THE object of the present memoir of JOHN CALDWELL CALHOUN is not to present a biography of the man, but to describe him as a statesman; to draw and to develop his character in that capacity, and to trace his eminent public services during a long career in one of the most eventful periods of human history. To dwell on a character like his, distinguished by every trait that should win esteem and command admiration, would be to the biographer a most attractive labour; but the pleasure of depicting a private life elevated by spotless purity and integrity, and a severe simplicity of tastes and habits, must be relinquished—except so far as occasional reference to his early history may become necessary—for the higher duty of portraying his intellectual features, and of explaining his motives and conduct as a public man. It is not our aim to commend him to public affection, or to enlist popular sympathy in his behalf, but rather to show to the world, not for his sake, but for its own instruction, the deep influence of this master-mind upon the great political events of his age. A fair and impartial review of the career of this eminent statesman in connexion with public affairs, is necessary to a thorough understanding of the course of our own government for nearly two thirds of its existence. Such a review, it is believed, would be no unacceptable offering at the present time. Throughout the whole period from 1811 up to the present time he has served the Union in the various capacities of Representative, Secretary of War, Vice-president, and Senator. He has taken a prominent and influential part in all the great questions which have arisen during that long interval; and, although he has asked a release from farther public service, it is not impossible that he may be destined to close his career as a statesman in another and a higher station. With faculties unclouded, with physical powers unimpaired, with a judgment matured by observation and experience, with an intrepidity untamed by the many trying vicissitudes of his extraordinary life, and with an activity whose energies are unabated by time, it is probable that the American people will not dispense with such services as he might render in the highest sphere open to American statesmen.

Mr. Calhoun is a native of South Carolina, and was born in Abbeville District on the 18th of March, 1782. His family is Irish on both sides. His father, Patrick Calhoun, was born in Donegal, in Ireland, but the family emigrated when Patrick was a child, first to Pennsylvania, where they remained some years, and then to the western part of Virginia, from whence they were driven by the Indians after Braddock's defeat. They

removed finally to South Carolina in 1756, when Patrick settled on the place where the subject of this sketch was born, and which still continues in the family of his younger brother. His mother, whose maiden name was Caldwell, was born in Charlotte County, Virginia. They had five children, one daughter and four sons, of whom John was the youngest but one. He was called after his maternal uncle, Major John Caldwell, whom the Tories had murdered in cold blood, and in his own yard, after destroying his house by fire. If time permitted, it might be interesting here to trace the effect which the traditions of the stirring scenes of a pioneer's life might have had upon the mind and character of young Calhoun. His paternal and maternal family both being Whig, they were exposed not only to hostile Indian incursions, but also to Tory outrages. They maintained their foothold on the soil despite the conflicts of an almost constant border warfare, and adhered to their country amid the horrors of civil strife and in the face of foreign invaders. But they had need both of courage and constancy to bear them through the severe trials to which they were exposed. Of three maternal uncles able to bear arms, one perished as we have before described, another fell at the battle of Cowpens with thirty sabre wounds, and a third, taken prisoner by the English, was immured for nine months in the dungeons of St. Augustine. Nor was Patrick Calhoun, the father, indebted to anything less than a strong arm and a stout heart for his escape from the perils which surrounded him. Upon one occasion, with thirteen other whites, he maintained a desperate conflict for hours with the Cherokee Indians, until, overwhelmed by superior numbers, he was forced to retreat, leaving seven of his companions dead upon the field. Three days after, they returned to bury their dead, and found the bodies of twenty-three Indian warriors, who had perished in the same conflict. At another time, he was singled out by an Indian distinguished for his prowess as a chief and for his skill with the rifle. The Indian taking to a tree, Calhoun secured himself behind a log, from whence he drew the Indian's fire four times by holding his hat on a stick a little above his hiding-place. The Indian at length exhibited a portion of his person in an effort to ascertain the effect of his shot, when he received a ball from his enemy in the shoulder, which forced him to fly. But the hat exhibited the traces of four balls by which it had been perforated. The effect of this mode of life upon a mind naturally strong and inquisitive was to create a certain degree of contempt for the forms of civilized life, and for all that was merely conventional in society. He claimed all the rights which nature and reason seemed to establish, and he acknowledged no obligation which was not supported by the like sanctions. It was under this conviction that, upon one occasion, he and his neighbours went down within twenty-three miles of Charleston, armed with rifles, to exercise a right of suffrage which had been disputed: a contest which ended in electing him to the Legislature of the state, in which body he served for thirty years. Relying upon virtue, reason, and courage as all that constituted the true moral strength of man, he attached too little importance to mere information, and never feared to encounter an adversary who, in that respect, had the advantage over him: a confidence which many of the events of his life seemed to justify. Indeed, he once appeared as his own advocate in a case in Virginia, in which he recovered a tract of land in despite of the regularly-trained disputants who sought to embarrass and defeat him. He opposed the Federal Constitution, because, as he said, it permitted other people than those of South Carolina to tax the people of South Carolina, and thus allowed taxation without representation, which was a violation of the fundamental principle of the Revolutionary struggle.

We have heard his son say that among his earliest recollections was one of a conversation when he was nine years of age, in which his father maintained that government to be best which allowed the largest amount of individual liberty compatible with social order and tranquillity, and insisted that the improvements in political science would be found to consist in throwing off many of the restraints then imposed by law, and deemed necessary to an organized society. It may well be supposed that his son John was an attentive and eager auditor, and such lessons as these must doubtless have served to encourage that free spirit of inquiry, and that intrepid zeal for truth for which he has been since so much distinguished. The mode of thinking which was thus encouraged may, perhaps, have compensated in some degree the want of those early advantages which are generally deemed indispensable to great intellectual progress. Of these he had comparatively few. But this was compensated by those natural gifts which give great minds the mastery over difficulties which the timid regard as insuperable. Indeed, we have here another of those rare instances in which the hardiness of natural genius is seen to defy all obstacles, and develops its flower and matures its fruit under circumstances apparently the most unpropitious.

The section of the country in which his family resided was then newly settled, and in a rude frontier state. There was not an academy in all the upper part of the state, and none within fifty miles, except one at about that distance in Columbia county, Georgia, which was kept by his brother-in-law, Mr. Waddell, a Presbyterian clergyman. There were but a few scattered schools in the whole of that region, and these were such as are usually found on the frontier, in which reading, writing, and arithmetic were imperfectly taught. At the age of thirteen he was placed under the charge of his brother-in-law to receive his education. Shortly after, his father died; this was followed by the death of his sister, Mrs. Waddell, within a few weeks, and the academy was then discontinued, which suspended his education before it had fairly commenced. His brother-in-law, with whom he was still left, was absent the greater part of the time, attending to his clerical duties, and his pupil thus found himself on a secluded plantation, without any white companion during the greater portion of the time. A situation apparently so unfavourable to improvement turned out, in his case, to be the reverse. Fortunately for him, there was a small circulating library in the house, of which his brother-in-law was librarian, and, in the absence of all company and amusements, that attracted his attention. His taste, although undirected, led him to history, to the neglect of novels and other lighter reading; and so deeply was he interested, that in a short time he read the whole of the small stock of historical works contained in the library, consisting of Rollin's Ancient History, Robertson's Charles V., his South America, and Voltaire's Charles XII. After despatching these, he turned with like eagerness to Cook's Voyages (the large edition), a small volume of Essays by Brown, and Locke on the Understanding, which he read as far as the chapter on Infinity. All this was the work of but fourteen weeks. So intense was his application that his eyes became seriously affected, his countenance pallid, and his frame emaciated. His mother, alarmed at the intelligence of his health, sent for him home, where exercise and amusement soon restored his strength, and he acquired a fondness for hunting, fishing, and other country sports. Four years passed away in these pursuits, and in attention to the business of the farm while his elder brothers were absent, to the entire neglect of his education. But the time was not lost. Exercise and rural sports invigorated his frame, while his labours on the farm gave him a taste for agriculture, which he has always retained, and in the

pursuit of which he finds delightful occupation for his intervals of leisure from public duties.

About this time an incident occurred upon which turned his after life. His second brother, James, who had been placed at a counting-house in Charleston, returned to spend the summer of 1800 at home. John had determined to become a planter; but James, objecting to this, strongly urged him to acquire a good education, and pursue one of the learned professions. He replied that he was not averse to the course advised, but there were two difficulties in the way: one was to obtain the assent of his mother, without which he could not think of leaving her, and the other was the want of means. He said his property was small and his resolution fixed: he would far rather be a planter than a half-informed physician or lawyer. With this determination, he could not bring his mind to select either without ample preparation; but if the consent of their mother should be freely given, and he (James) thought he could so manage his property as to keep him in funds for seven years of study preparatory to entering his profession, he would leave home and commence his education the next week. His mother and brother agreeing to his conditions, he accordingly left home the next week for Dr. Waddell's, who had married again, and resumed his academy in Columbia county, Georgia. This was in June, 1800, in the beginning of his 19th year, at which time it may be said he commenced his education, his tuition having been previously very imperfect, and confined to reading, writing, and arithmetic in an ordinary country school. His progress here was so rapid that in two years he entered the junior class of Yale College, and graduated with distinction in 1804, just four years from the time he commenced his Latin grammar. He was highly esteemed by Dr. Dwight, then the president of the college, although they differed widely in politics, and at a time when political feelings were intensely bitter. The doctor was an ardent Federalist, and Mr. Calhoun was one of a very few, in a class of more than seventy, who had the firmness openly to avow and maintain the opinions of the Republican party, and, among others, that the people were the only legitimate source of political power. Dr. Dwight entertained a different opinion. In a recitation during the senior year, on the chapter on Politics in Paley's Moral Philosophy, the doctor, with the intention of eliciting his opinion, propounded to Mr. Calhoun the question, as to the legitimate source of power. He did not decline an open and direct avowal of his opinion. A discussion ensued between them, which exhausted the time allotted for the recitation, and in which the pupil maintained his opinions with such vigour of argument and success as to elicit from his distinguished teacher the declaration, in speaking of him to a friend, that "the young man had talent enough to be President of the United States," which he accompanied by a prediction that he would one day attain that station.

An English oration was assigned to Mr. Calhoun at the Commencement. He selected for his thesis, "The qualifications necessary to constitute a perfect statesman," and prepared his oration, but was prevented from delivering it by a severe indisposition. After graduating, he commenced the study of the law, and devoted three years to that and miscellaneous reading, eighteen months of which were spent at Litchfield, Connecticut, where a celebrated law-school was kept at that time by Judge Reeves and Mr. Gould. He acquired great distinction at the school. It was there that he successfully cultivated, in a debating society, his talents for extemporaneous speaking. The residue of the time was spent in the offices of Mr. De Saussure, of Charleston (afterward chancellor), and of Mr. George Bowie, of Abbeville. Having spent seven years in preparation, according to his determination when he commenced his education, and having passed his examination for admission to the bar, he began the practice of law in his native district. He rose at once into full practice, taking a stand with the oldest and ablest lawyers on the circuit.

He continued but a short time at the bar. While he was yet a student, after his return from Litchfield to Abbeville, an incident occurred which agitated the whole Union, and contributed to give to Mr. Calhoun's life, at that early period, the political direction which it has ever since kept—the attack of the English frigate *Leopard* on the American frigate *Chesapeake*. It led to public meetings all over the Union, in which resolutions were passed expressive of the indignation of the people, and their firm resolve to stand by the government in whatever measure it might think proper to adopt to redress the outrage. At that called in his native district, he was appointed one of the committee to prepare a report and resolutions to be presented to a meeting to be convened to receive them on an appointed day. Mr. Calhoun was requested by the committee to prepare them, which he did so much to their satisfaction, that he was appointed to address the meeting on the occasion before the vote was taken on the resolutions. The meeting was large, and it was the first time he had ever appeared before the public. He acquitted himself with such success that his name was presented as a candidate for the state Legislature at the next election. He was elected at the head of the ticket, and at a time when the prejudice against lawyers was so strong in the district that no one of the profession who had offered for many years previously had ever succeeded. This was the commencement of his political life, and the first evidence he ever received of the confidence of the people of the state—a confidence which has continued ever since constantly increasing, without interruption or reaction, for the third of a century; and which, for its duration, universality, and strength, may be said to be without a parallel in any other state, or in the case of any other public man.

He served two sessions in the state Legislature. It was not long after he took his seat before he distinguished himself. Early in the session an informal meeting of the Republican portion of the members was called to nominate candidates for the places of President and Vice-president of the United States. Mr. Madison was nominated for the presidency without opposition. When the nomination for the vice-presidency was presented, Mr. Calhoun embraced the occasion to present his opinion in reference to coming events, as bearing on the nomination. He reviewed the state of the relations between the United States and Great Britain and France, the two great belligerents which were then struggling for mastery, and in their struggle trampling on the rights of neutrals, and especially ours; he touched on the restrictive system which had been resorted to by the government to protect our rights, and expressed his doubt of its efficacy, and the conviction that a war with Great Britain would be unavoidable. "It was," he said, "in this state of things, of the utmost importance that the ranks of the Republican party should be preserved undisturbed and unbroken by faction or discord." He then adverted to the fact, that a discontented portion of the party had given unequivocal evidence of rallying round the name of the venerable vice-president, George Clinton (whose re-nomination was proposed), and of whom he spoke highly; but he gave it as his opinion, that should he be nominated and re-elected, he would become the nucleus of all the discontented portion of the party, and thus make a formidable division in its ranks should the country be forced into war. These persons, he predicted, would ultimately rally under De Witt Clinton, the nephew, whom he described as a man of distinguished talents and aspiring disposition. To avoid the danger, he suggested for nomination the name of John Langdon, of New-Hampshire, of whom he spoke highly both as to talents and patriotism.

It was Mr. Calhoun's first effort in a public capacity. The manner and matter excited great applause; and when it is recollected that these remarks preceded the declaration of war more than three years, and how events happened according to his anticipations, it affords a striking proof of that sagacity, at so early a period, for which he has since been so much distinguished. It at once gave him a stand among the most distinguished members of the Legislature.

During the short period he remained a member, he originated and carried through several measures, which proved in practice to be salutary, and have become a permanent portion of the legislation of the state.

CHAPTER II.

Including the period from his entering Congress until his appointment as Secretary of War.

IN the mean time, the growing difficulties in our foreign relations, especially with Great Britain, impressed the community at large with the belief that war with that formidable power was approaching. The impression naturally turned the attention of the people, in selecting candidates for Congress, to those whom they believed to be the most competent to serve them at so trying a period. The eyes of the congressional district in which Mr. Calhoun resided were turned towards him, and he was elected by an overwhelming majority over his opponent. This was in the fall of 1810, and he took his seat in the councils of the nation a year afterward, in the first session of the twelfth Congress, known as the war session, with his two distinguished colleagues, Mr. Cheves and Mr. Lowndes, who, like himself, had been elected in reference to the critical condition of the country. His reputation had preceded him, and he was placed second on the Committee of Foreign Relations, which, in the existing state of our relations with the two great belligerents, was regarded as the most important of the committees, and was, accordingly, filled by members selected in reference to the magnitude of its duties. The other distinguished individuals who composed it were Peter B. Porter, the chairman, and Felix Grundy, of Tennessee, on the Republican side, and John Randolph and Philip Barton Key on the other. It was, indeed, an eventful period of our history, and the duties which it imposed on the committee were of the most difficult and responsible character.

It is not easy, at this day, to estimate the magnitude of the crisis. Our present government had its origin just preceding the commencement of the great Revolution in France, which, in its progress, involved her in a war without example or parallel in the history of the world, taking into estimate its cause, extent, duration, the immensity of force brought into conflict, the skill which directed it, the variety and magnitude of its incidents, and the importance of the stake at issue. England was the great antagonist power to France in this mighty struggle, whose shocks reached even our distant shores. From the beginning, our mutual rights were invaded by both sides, and our peace endangered; but so recently had our government been established, so hazardous was it to put it to the test of war, and especially in such a struggle, and so advantageous to our commerce and prosperity was our position as a neutral power, while all Europe was at war, that it became the fixed policy of the government to preserve peace and bear wrongs, so long as the one could be preserved and the other endured without sacrificing the honour and independence of the country. This pacific and wise policy was, with some slight exceptions, steadily pursued for more than fifteen years. At length came the Berlin and Milan Decrees on the part of France, and the hostile orders in council on the part of England, which forced on our government the embargo and other restrictive measures, adopted from an anxious desire of preserving peace, and in the hope of obtaining respect for our rights from one or other of the two belligerents. Experience soon proved how impotent these measures were, and how fallacious was our hope. The encroachments on our rights and independence continued to advance, till England at length pushed her aggressions so far that our commerce was reduced to a state of dependance as complete as when we were her colonies, and our ships were converted, at the same time, into a recruiting-ground

to man her navy. Not a vessel of ours was permitted to reach Europe but through her ports, and more than 3000 of our hardy seamen were impressed into her service, to fight battles in which they had no interest. Our independence, as far as the ocean was concerned, had become an empty name; but so hazardous was it to take up arms in the unprepared state of the country, and to be drawn into a struggle apparently so fearful and interminable between the two first powers on earth, that the stoutest and boldest might well have paused at taking the step.

It was in such a crisis of our affairs that Mr. Calhoun took his seat in Congress. To him it was not unexpected. He had little confidence from the beginning in the peaceful measures resorted to for the redress of our wrongs, and saw beforehand that the final alternatives would be war or submission, and had deliberately made up his mind, that to lose independence, and to sink down into a state of acknowledged inferiority, depending for security on forbearance, and not on our capacity and disposition to defend ourselves, would be the worst calamity which could befall the country. According to his opinion, the ability of the government to defend the country against external danger, and to cause its rights to be respected from without, was as essential as protection against violence within, and that, if it should prove incompetent to meet successfully the hazard of a just and necessary war, it would fail in one of the two great objects for which it was instituted, and that the sooner it was known the better. With these fixed opinions, his voice, on taking his seat, was for the most decisive course.

The President's Message, at the opening of the session, was, in its general features, warlike, and yet there were expressions of an ambiguous character, which led many to doubt what course of policy was really intended by the administration. The portion which related to our affairs with other powers was referred to the Committee of Foreign Relations. The excitement in the country was intense, and party spirit never ran higher. All eyes were turned on the proceedings of the committee. They reported, at an early period of the session, resolutions strongly recommending immediate and extensive preparations to defend our rights and redress our wrongs by an appeal to arms. The debate was opened by the chairman, Mr. Porter, and he was followed on the same side by Mr. Grundy. It was allotted to Mr. Calhoun to follow Mr. Randolph, who, on the opposite side, succeeded Mr. Grundy in an able and eloquent speech. The discussion from the beginning excited profound interest, both in the body and the crowded audience daily assembled in the lobby and galleries, and this interest had increased as the discussion advanced. It was Mr. Calhoun's first speech in Congress, except a few brief remarks on the Apportionment Bill. The trial was a severe one; expectation was high. The question was of the greatest magnitude, and he to whom he had to reply, a veteran statesman of unsurpassed eloquence. How he acquitted himself, the papers of the day will best attest. The remarks of the Richmond Enquirer, then, as now, a leading journal on the Republican side, may be taken as an example. Mr. Ritchie, in his remarks on the speeches, after characterizing Mr. Randolph's, said: "Mr. Calhoun is clear and precise in his reasoning, marching up directly to the object of his attack, and felling down the errors of his opponent with the club of Hercules; not eloquent in his tropes and figures, but, like Fox, in the moral elevation of his sentiments; free from personality, yet full of those fine touches of indignation, which are the severest cut to the man of feeling. His speech, like a fine drawing, abounds in those lights and shades which set off each other: the cause of his country is robed in light, while her opponents are wrapped in darkness. It were a contracted wish that Mr. Calhoun were a Virginian; though, after the quota she has furnished with opposition talents, such a wish might be forgiven us. We beg leave to participate, as Americans and friends of our country, in the honours of South Carolina. We hail this young

Carolinian as one of the master-spirits who stamp their names upon the age in which they live."

When Mr. Calhoun sat down, he was greeted by the great body of the party for his successful effort, and thenceforward took rank with the ablest and most influential members of the body. But, as clear as it appeared to him that the period had arrived when a resort to arms could no longer be avoided without sacrificing the honour and interest of the country, such was far from being the feeling of many, even of the Republican members of the body. Many, who saw the necessity, hesitated; some from the great hazard of war, others from the want of preparation, or the difficulty of selecting between the belligerents, when both had so grossly violated our rights; and not a few from a lingering confidence in the Non-importation Act, and other restrictive measures, as the means of redressing our wrongs. Mr. Calhoun, although he approved of the motive which had led to a resort to those measures in the first instance, and regarded them as wise temporary expedients, never had any confidence in them as instruments of avenging or redressing the wrongs of the country. Believing that they had accomplished all they ever could, and that a latent attachment to them was one of the principal impediments to a resort to arms, he did not hesitate to attack the whole system.

To realize the boldness and hazard of such a step, it must be borne in mind that the support or opposition to the system had been for many years the main test of party fidelity, and that party spirit was never higher than at the time. But as strongly as he was attached to the administration, to the Republican party, and their general policy, and opposed as he was to the Federalists, he did not hesitate, young as he was, when he believed duty and the interest of the country required it, to place himself above all party considerations, and to expose manfully the defects of a system which had been so long cherished and defended by the party to which he belonged. The following extracts from a speech delivered against it will give in his own language some of the most prominent objections which he urged against the system, and afford, at the same time, a fair specimen of his powers of reasoning and eloquence at that early period, and of the lofty and patriotic sentiments which actuated him in the line of policy that he advocated.

"The restrictive system," he said, "as a mode of resistance, or as a means of obtaining redress, has never been a favourite one with me. I wish not to censure the motives which dictated it, or attribute weakness to those who first resorted to it for a restoration of our rights. But, sir, I object to the restrictive system because it does not suit the genius of the people, or that of our government, or the geographical character of our country. We are a people essentially active; I may say we are pre-eminently so. No passive system can suit such a people; in action superior to all others, in patient endurance inferior to none. Nor does it suit the genius of our government. Our government is founded on freedom, and hates coercion. To make the restrictive system effective, requires the most arbitrary laws. England, with the severest penal statutes, has not been able to exclude prohibited articles; and Napoleon, with all his power and vigilance, was obliged to resort to the most barbarous laws to enforce his Continental system."

After showing how the whole mercantile community must become corrupt by the temptations and facilities for smuggling, and how the public opinion of the commercial community (upon which the system must depend for its enforcement) becomes opposed to it, and gives sanction to its violation, he proceeds:

"But there are other objections to the system. It renders government odious. The farmer inquires why he gets no more for his produce, and he is told it is owing to the embargo, or commercial restrictions. In this he sees only the hand of his own government, and not the acts of violence and injustice which this system is intended to counteract. His censures fall on the govern-

ment. This is an unhappy state of the public mind ; and even, I might say, in a government resting essentially on public opinion, a dangerous one. In war it is different. Its privation, it is true, may be equal or greater ; but the public mind, under the strong impulses of that state of things, becomes steeled against sufferings. The difference is almost infinite between the passive and active state of the mind. Tie down a hero, and he feels the puncture of a pin : throw him into battle, and he is almost insensible to vital gashes. So in war. Impelled alternately by hope and fear, stimulated by revenge, depressed by shame, or elevated by victory, the people become invincible. No privation can shake their fortitude ; no calamity break their spirit. Even when equally successful, the contrast between the two systems is striking. War and restriction may leave the country equally exhausted ; but the latter not only leaves you poor, but, even when successful, dispirited, divided, discontented, with diminished patriotism, and the morals of a considerable portion of your people corrupted. Not so in war. In that state, the common danger unites all, strengthens the bonds of society, and feeds the flame of patriotism. The national character mounts to energy. In exchange for the expenses and privations of war, you obtain military and naval skill, and a more perfect organization of such parts of your administration as are connected with the science of national defence. Sir, are these advantages to be counted as trifles in the present state of the world ? Can they be measured by moneyed valuation ? I would prefer a single victory over the enemy, by sea or land, to all the good we shall ever derive from the continuation of the Non-importation Act. I know not that a victory would produce an equal pressure on the enemy ; but I am certain of what is of greater consequence, it would be accompanied by more salutary effects on ourselves. The memory of Saratoga, Princeton, and Eutaw is immortal. It is there you will find the country's boast and pride—the inexhaustible source of great and heroic sentiments. But what will history say of restriction ? What examples worthy of imitation will it furnish to posterity ? What pride, what pleasure, will our children find in the events of such times ? Let me not be considered romantic. This nation ought to be taught to rely on its courage, its fortitude, its skill and virtue, for protection. These are the only safeguards in the hour of danger. Man was endued with these great qualities for his defence. There is nothing about him that indicates that he is to conquer by endurance. He is not incrustated in a shell ; he is not taught to rely upon his insensibility, his passive suffering, for defence. No, sir ; it is on the invincible mind, on a magnanimous nature, he ought to rely. Here is the superiority of our kind ; it is these that render man the lord of the world. It is the destiny of his condition that nations rise above nations, as they are endued in a greater degree with these brilliant qualities."

But this is not the only instance in which Mr. Calhoun, at this early stage of his public life, manifested a spirit above party influence or control, that spirit which he has so often since exhibited, when duty and patriotism demanded it. No one appreciates more highly the value of party ties within proper limits, or adheres more firmly to his party within them, than he does. He never permits them to influence him beyond those necessary limits. Acting accordingly, he did not hesitate to give his cordial and warm support to a bill for the increase of the navy, reported by his able and distinguished colleague, who was then chairman of the Naval Committee, although, at and previous to that time, the great body of the Republican party was and had been opposed to it. It was owing to the decided support which it received from Mr. Cheeves, Mr. Calhoun, Mr. Lowndes, and Mr. Clay, and its brilliant achievements afterward (even then confidently anticipated by them), that it has since become with the whole Union the favourite arm of defence.

As prominent as was the situation of Mr. Calhoun at the commencement of this eventful session, as the second on the most important committee, it became

still more so in its progress. The chairman, Mr. Porter, withdrew from Congress, and Mr. C. found himself at the head of the committee, which, in addition to its peculiar duties, was charged, by a vote of the House, with a large portion of those properly belonging to the Committee on Military Affairs. Few individuals with so little parliamentary experience have ever been placed in so responsible a situation. He had never before served in a deliberative body except for two short sessions in the Legislature of his own state, making together but nine weeks. With such limited experience, it is difficult to conceive a situation of the kind more arduous than that in which he was placed at the head of such a committee at such a period, when party spirit was at its height and the opposition under the guidance of leaders distinguished for their talents and experience; and yet, so ample were his resources, and so great his aptitude for business, that he not only sustained himself, but acquired honour and distinction for the ability with which he discharged the duties of his station.

It will not be attempted to trace Mr. Calhoun's course through this laborious and long-to-be-remembered session. It is sufficient to say that he exhibited throughout the same zeal and ability with which he commenced it. Near its close he reported and carried through the bill declaring war against Great Britain—a war under all circumstances fairly entitled to its appellation as the second war of independence. The proceedings were in secret session, contrary to his opinion and wishes.

Such was the brilliant career of Mr. Calhoun during his first session, and that under the most responsible and trying circumstances. Much of his success is to be attributed to his early and wise determination not to come forward till he had laid the foundation in a solid education, and fully prepared himself to act his part in life. Without them, the mere force of natural talents could not have carried him successfully through the difficulties he had to encounter at the outset of his congressional career.

The declaration of war fixed the policy of the government for the time, and the discussions in Congress during its continuance turned, for the most part, on questions relating to the finances, the army, the navy, the mode of conducting the war, and its success and disasters. These gave rise to many warm and animated debates of deep interest and excitement at the time, and in most of which Mr. Calhoun took a prominent part, and fully sustained the reputation he had acquired for ability and eloquence; but as the subjects were generally of a temporary character, and have long since lost much of their interest, the object of this sketch does not require that they should be particularly noticed. They will, accordingly, be passed in silence, and the notice of the events of the period confined to those that may be regarded as exceptions to the ordinary party discussions of the day. This course is the more readily adopted, because it is believed that the whole country is disposed to do ample justice to the patriotism, the intelligence, and ability with which he performed his part during this eventful period of our history.

The first incident that will be noticed took place at the commencement of the session immediately succeeding the declaration of war. South Carolina had in that Congress an unusual number of men of talents: General D. R. Williams, Langdon Cheves, William Lowndes, and the subject of this sketch, all of whom were entitled to prominent positions in the arrangement of committees. Mr. Calhoun was the youngest. The speaker was embarrassed. There was a difficulty in placing so many from one state, and that a small one, at the head of prominent committees, and Mr. Calhoun, with his characteristic disinterestedness, cheerfully assented to be placed second on that at the head of which he had served with so much distinction at the preceding session. Mr. Smilie, an old and highly-respectable member from Pennsylvania, was placed at the head of the committee. At its first meeting the chairman, without previously intimating his intention, moved that Mr. Calhoun should be elected

chairman. He objected, and insisted that Mr. Smilie should act as chairman, and declared his perfect willingness to serve under him ; but he was, notwithstanding, unanimously elected, and the strongest proof that could be given of the highly satisfactory manner in which he had previously discharged his duty was thus afforded. In this conviction, and as illustrative of the same disinterested character, when the speaker's chair became vacant by the appointment of Mr. Clay as one of the commissioners to negotiate for peace, Mr. Calhoun was solicited by many of the most influential members of the party to become a candidate for it ; but he peremptorily refused to oppose his distinguished colleague, Mr. Cheves, who was elected.

At an early period of the same session, a question out of the ordinary course, and which excited much interest at the time, became the subject of discussion, that of the merchants' bonds. The Non-importation Act (one of the restrictive measures) was in force when war was declared. Under its operation a large amount of capital had been accumulated abroad, and especially in England, the proceeds of exports that could not be returned in consequence of the prohibition of imports. The owners, when they saw war was inevitable, became alarmed, and gave orders for the return of their property. It came back, for the most part, in merchandise, which was subject to forfeiture under the act. The owners petitioned for the remission of the forfeiture, and permission to enter the goods on paying the war duties. The secretary of the treasury, on the other hand, proposed to remit the forfeiture on condition that the amount of the value of the goods should be loaned to the government by the owners. Mr. Cheves, who was at the head of the Committee of Ways and Means, reported in favour of the petition, and supported his report by an able speech. The question had assumed much of a party character, but it did not deter Mr. Calhoun from an independent exercise of his judgment. He believed that the act never contemplated a case of the kind, and that to enforce, under such circumstances, a forfeiture amounting to millions, which would embrace a large class of citizens, would be against the spirit of the criminal code of a free and enlightened people. But waving these more general views, he thought the only alternative was to remit the forfeiture, as prayed for by the owners, or to enforce it according to the provisions of the act : that, if the importation was such a violation as justly and properly incurred the forfeiture, then the act ought to be enforced ; but if not, the forfeiture ought to be remitted ; and that the government had no right, and if it had, it was unbecoming its dignity to convert a penal act into the means of making a forced loan. Thus thinking, he seconded the effort of his distinguished colleague, and enforced his views in a very able speech. The result was, that the forfeiture was remitted, and the goods admitted on paying duties in conformity to the course recommended by the committee.

There was another case in which, at this period, he evinced his firmness and independence. The administration still adhered to the restrictive policy, and even after the war was declared the President recommended the renewal of the Embargo. Mr. Calhoun, as has been shown, opposed, on principle, the whole system as a substitute for war, and he was still more opposed to it as an auxiliary to it. He held it, in that light, not only as inefficient and delusive, but as calculated to impair the means of the country, and to divert a greater share of its capital and industry to manufactures than could be, on the return of peace, sustained by the government on any sound principles of justice or policy. He thought war itself, without restrictions, would give so great a stimulus, that no small embarrassment and loss would result on its termination, in despite of all that could be done for them, while, at the same time, he expressed his willingness, when peace came, to protect the establishments that might grow up during its continuance, as far as it could be fairly done.

The Embargo failed on the first recommendation ; but, at the next session, being recommended again, it succeeded. Mr. Calhoun, at the earnest entreaties

of friends, and to prevent division in the party when their union was so necessary to the success of the war, gave it a reluctant vote.

But the time was approaching when an opportunity would be afforded him to carry out successfully his views in reference to the restrictive system, and that with the concurrence of the party. The disasters of Bonaparte in the Russian campaign, his consequent fall and dethronement in the early part of 1814, and the triumph of Great Britain, after one of the longest, and, altogether, the most remarkable contests on record, offered that opportunity, which he promptly seized. This great event, which terminated the war in Europe, left Great Britain, flushed with victory, in full possession of all the vast resources, in men, money, and materials, by which she had brought that mighty conflict to a successful termination, to be turned against us. It was a fearful state of things; but, as fearful as it was of itself, it was made doubly so by the internal condition of the country, and the course of the opposition. Blinded by party zeal, they beheld with joy or indifference what was calculated to appal the patriotic. Forgetting the country, and intent only on a party triumph, they seized the opportunity to embarrass the government. Their great effort was made against the Loan Bill—a measure necessary to carry on the war. Instead of supporting it, they denounced the war itself as unjust and inexpedient; and they proclaimed its farther prosecution, in so unequal a contest, as hopeless, now that the whole power of the British Empire would be brought to bear against us. Mr. Calhoun replied in a manner highly characteristic of the man, undaunted, able, and eloquent. None can read this speech, even at this distance of time, without kindling under that elevated tone of feeling, which wisdom, emanating from a spirit lofty and self-possessed under the most trying circumstances, only can inspire. In order to show the justice and expediency of the war, he took an historical view of the maritime usurpations of Great Britain, from the celebrated order in council of 1756, to the time of the discussion, and demonstrated that her aggressions were not accidental, or dependant on peculiar circumstances, but were the result of a fixed system of policy, intended to establish her supremacy on the ocean. After giving a luminous view of the origin and character of the wrongs we had suffered from her, he clearly showed the flimsiness of the pretext by which she sought to justify her conduct, as well as that of the opposition to excuse her, and dwelt upon the folly of hoping to obtain redress by sheathing the sword or throwing ourselves on her justice. The following extract, taken from the conclusion, will afford an example of his lofty and animating eloquence:

“This country is left alone to support the rights of neutrals. Perilous is the condition, and arduous the task. We are not intimidated. We stand opposed to British usurpation, and, by our spirit and efforts, have done all in our power to save the last vestiges of neutral rights. Yes, our embargoes, non-intercourse, non-importation, and, finally, war, are all manly exertions to preserve the rights of this and other nations from the deadly grasp of British maritime policy. But (say our opponents) these efforts are lost, and our condition hopeless. If so, it only remains for us to assume the garb of our condition. We must submit, humbly submit, crave pardon, and hug our chains. It is not wise to provoke where we cannot resist. But first let us be well assured of the hopelessness of our state before we sink into submission. On what do our opponents rest their despondent and slavish belief? On the recent events in Europe? I admit they are great, and well calculated to impose on the imagination. Our enemy never presented a more imposing exterior. His fortune is at the flood. But I am admonished by universal experience, that such prosperity is the most precarious of human conditions. From the flood the tide dates its ebb. From the meridian the sun commences his decline. Depend upon it, there is more of sound philosophy than of fiction in the fickleness which poets attribute to fortune. Prosperity has its weakness, adversity its strength. In

many respects our enemy has lost by those very changes which seem so very much in his favour. He can no more claim to be struggling for existence; no more to be fighting the battles of the world in defence of the liberties of mankind. The magic cry of 'French influence' is lost. In this very hall we are not strangers to that sound. Here, even here, the cry of 'French influence,' that baseless fiction, that phantom of faction now banished, often resounded. I rejoice that the spell is broken by which it was attempted to bind the spirit of this youthful nation. The minority can no longer act under cover, but must come out and defend their opposition on its own intrinsic merits. Our example can scarcely fail to produce its effects on other nations interested in the maintenance of maritime rights. But if, unfortunately, we should be left alone to maintain the contest, and if, which may God forbid, necessity should compel us to yield for the present, yet our generous efforts will not have been lost. A mode of thinking and a tone of sentiment have gone abroad which must stimulate to future and more successful struggles. What could not be effected with eight millions of people will be done with twenty. The great cause will never be yielded—no, never, never! Sir, I hear the future audibly announced in the past—in the splendid victories over the Guerriere, Java, and Macedonian. We, and all nations, by these victories, are taught a lesson never to be forgotten. Opinion is power. The charm of British naval invincibility is gone."

Such was the animated strain by which Mr. Calhoun roused the spirit of the government and country under a complication of adverse circumstances calculated to overwhelm the feeble and appal the stoutest. Never faltering, never doubting, never despairing of the Republic, he was at once the hope of the party and the beacon light to the country.

But he did not limit his efforts to repelling the attacks of the opposition, and animating the hopes of the government and country. He saw that the very events which exposed us to so much danger, made a mighty change in the political and commercial relations of Continental Europe, which had been so long closed against foreign commerce, in consequence of the long war that grew out of the French Revolution, and of those hostile orders and decrees of the two great belligerents, which had for many years almost annihilated all lawful commerce between the Continent of Europe and the rest of the world. The events that dethroned Bonaparte put an end to that state of things, and left all the powers of Europe free to resume their former commercial pursuits. He saw in all this that the time had come to free the government entirely from the shackles of the restrictive system, to which he had been so long opposed; and he, accordingly, followed up his speech by a bill to repeal the Embargo and the Non-importation Act. He rested their repeal on the ground that they were a portion of the restrictive policy, and showed that the ground on which it had been heretofore sustained was, that it was a pacific policy, growing out of the extraordinary state of the world at the time it was adopted, and, of course, dependant on the continuance of that state. "It was a time," he said, "when every power on the Continent was arrayed against Great Britain, under the overwhelming influence of Bonaparte, and no country but ours interested in maintaining neutral rights. The fact of all the Continental ports being closed against her, gave to our restrictive measures an efficacy which they no longer had, now that they were open to her." He admitted that the system had been continued too long, and been too far extended, and that he was opposed to it as a substitute for war, but contended that there would be no inconsistency on the part of the government in abandoning a policy founded on a state of things which no longer existed. "But now," said he, "the Continental powers are neutrals, as between us and Great Britain. We are contending for the freedom of trade, and ought to use every exertion to attach to our cause Russia, Sweden, Holland, Denmark, and all other nations which have an interest in the freedom of the seas. The maritime rights assumed by Great Britain infringe on the

rights of all neutral powers, and if we should now open our ports and trade to the nations of the Continent, it would involve Great Britain in a very awkward and perplexing dilemma. She must either permit us to enjoy a very lucrative commerce with them, or, by attempting to exclude them from our ports by her system of paper blockades, she would force them to espouse our cause. The option which would thus be tendered her would so embarrass her as to produce a stronger desire for peace than ten years' continuance of the present system, inoperative as it is now rendered by a change of circumstances." These views had the desired effect, and the bill passed.

The subsequent session (that of 1814-15) was the last of the war sessions. It was short, terminating on the 4th of March. It was one of much excitement, but was principally distinguished for the project of a bank, submitted by the administration, and intended for the relief of the financial difficulties of the government. Upon this measure Mr. Calhoun differed from the administration and a large portion of the party.

It so happened that he was detained at home by sickness, and did not take his seat for several weeks after the commencement of the session, and his place as chairman of the Committee of Foreign Relations was filled by the late secretary of state, Mr. Forsyth. He found, on his arrival, the plan of a bank agreed on, and he was especially requested by the secretary of the treasury, with whom he had the kindest relations, and several members of the Committee of Ways and Means, to give it his particular attention, which he promised to do. His predisposition was strongly in favour of a bank of some kind. It was then generally thought to be indispensable to the prosecution of the war. With this disposition, and a strong desire to meet what were the views of the secretary and the administration, and of his friends on the Ways and Means, he took up the plan for examination. The whole subject of banking, theoretically and practically, was, in a great measure, new to him. He had never given it a serious and careful examination, and his mind, though favourably disposed to the plan, was open to the reception of truth.

The leading features of the plan were a bank of \$50,000,000 of capital, to consist, with the exception of a few millions of specie, entirely of the stock issued by the government for loans made to carry on the war. It was not to pay specie during the war, nor till three years after its termination, and was to lend the government, whenever required, \$30,000,000, at six per cent., to carry on the war. With all his prepossessions in its favour, he was soon struck by the fact, that the great leading object was to create a machine for lending money, not on the means or credit of the bank, or the individuals to be incorporated, but of the government itself; for the bank would not be bound to pay its notes, and would have little or nothing on which to lend but the stock of the government. The whole contrivance was, virtually, under the specious show of a loan, for the government to borrow back its own credit at six per cent., for which it had already stipulated to pay a high interest—not less, on an average, than eight per cent. Those who had lent the government, alleging that they had loaned all they had, modestly proposed to lend it, on its own credit, as much as it might need to carry on the war, if it would incorporate them under the magic name of "a bank," exempt them from the payment of their debts as a corporation, give them the use of the public money, and not only endorse their notes by receiving them for its dues, but also pay them away as money in their disbursements.

It was impossible for a mind constituted as Mr. Calhoun's not to see the whole effects of the scheme, or to give its assent to it, by whomsoever contrived, or by whatever name called. To him, no alternative was left but to sacrifice his judgment, or to differ from the administration and many of his friends who were anxious to have his support; but, as responsible and painful as was the alternative, he did not hesitate.

When the bill came up he opposed it in a speech, in which he briefly stated his objections; and such was its effect that, though the measure had the support of the administration, and the whole of the Committee of Ways and Means but one, it was struck out, and the amendment he proposed was substituted by an overwhelming majority. His substitute was, that the government should use its own credit directly in the shape of treasury notes, to be issued to meet its wants, and to be funded in the bank in the form of stock at six per cent.; that the bank should be bound to pay its notes at all times, and should make the government no loans but short ones, in anticipation of its current revenue. By the issue of treasury notes, to be funded in the bank, he proposed to obtain the immediate supplies to carry on the government; and, by establishing a specie-paying bank, under proper restrictions, he hoped to sustain a strong position, from which the currency, then consisting, south of New-England, exclusively of the notes of suspended banks, might be restored to the specie standard on the return of peace. His substitute was, in its turn, defeated. Two other bills, differently modified, were successively introduced, and were both defeated—one by the casting vote of the speaker, Mr. Cheeves, and the other by the President, who vetoed it on the ground that, as modified, it would not afford the relief required by the treasury.

The greater part of the session had been spent in these various attempts to pass a bill, and many who entirely agreed with Mr. Calhoun in his view of the subject, and had stood fast by him at first, now yielded to the pressure. Finally, a rally was made, a short time before the close of the session, to pass a bill, and it was again introduced in the Senate much improved in some of its objectionable features, but still defective enough to prevent him and the friends who stood by him from giving it their support. It speedily passed that body, and was sent to the House, where it was pressed through to its passage with all possible despatch. On the question of ordering it to the third reading, Mr. Calhoun made a few remarks, in which he warned the House against adopting a measure which a great majority decidedly disapproved, but for which they were prepared to vote under a supposed necessity, which did not exist. He concluded by saying that the bill was so objectionable that, were it not for the supposed necessity, if, for instance, the news of peace should arrive before its passage, it would not receive fifteen votes, and concluded by saying that he would reserve a full statement of his objections to the bill for the question on the passage to be taken the next day, when he intended to make a final stand against it, and appeal to the public for the vindication of his course. At the time there was not the slightest rumour or indication of peace, and no one expected it. On the contrary, every indication was, that the war would be pushed with vigour in the approaching campaign. The attack had been made on New-Orleans, and by every mail it was expected to hear of its fate; and yet, strange as it may seem, that very day, subsequent to the adjournment of the House, a despatch, sent on by a mercantile house in New-York, to be forwarded by the mail to the South to its agents, arrived in the city, with the intelligence that a vessel had come in after the departure of the mail, bringing the treaty of peace. The member to whom it was sent was so struck with the coincidence, that he informed Mr. Calhoun of the fact in confidence. By some means, a rumour got out that there was a late arrival at New-York bringing important intelligence. Next day the friends of the bill made an effort to push it through before the arrival of the mail in the afternoon. Mr. Calhoun moved to lay the bill on the table, saying that there was a hope that the mail from New-York, which would arrive in a few hours, might bring intelligence that would have an important bearing on the bill. The vote on his motion verified his prediction. The mail arrived with the treaty of

peace. It was then proposed to him to modify the bill in conformity with his views, if he would withdraw his opposition. He refused, and demanded other and severer restrictions than those which he had heretofore proposed. An attempt was then made to take up the bill and pass it, which failed by a large majority.

It was thus his sagacity and firmness, under the most trying circumstances, against the whole weight of the administration, defeated a measure, which, if it had been adopted as first proposed, would have been followed by consequences more disastrous than could well be anticipated. He had the satisfaction to receive the thanks of many of the members for its defeat, who but a short time before were ready to denounce him for his resistance to it. It is now to be regretted that none of Mr. Calhoun's speeches against the measure were published. He declined publishing at the time on the ground that his object was to defeat the bill, but to do so without distracting the party or impairing confidence in the administration, on which the success of the war so much depended. For that reason, he not only avoided publishing, but bore patiently the denunciations daily levelled against him for his opposition to the bill. On all other measures of the session he gave the administration an active and hearty support. It was, indeed, a rule with him, when compelled to differ from his party on an important measure, to limit his opposition strictly to the measure itself, and to avoid, both in manner and matter, all that could by possibility give offence. By a rigid observance, too, of this rule, he succeeded in maintaining his individual opinion in reference to all important questions on which he differed from his party without weakening his standing with them.

The transition from a state of war to that of peace gave rise to many important questions, the most prominent of which grew out of the finances and the currency. At the succeeding session, Mr. Lowndes and Mr. Calhoun were placed at the head of the committees which had charge of these important subjects; Mr. Lowndes was made chairman of the Ways and Means, and Mr. Calhoun, from the prominence he had acquired at the preceding session on the Bank Question, was appointed chairman of that on currency. The most prominent question connected with the finances was that of the readjustment of the duties on the imposts. The duties had been doubled at the commencement of the war, and the question now presented was, how much they should be reduced. It was one that took in the whole range of the future policy of the government, and involved the consideration of many important subjects; the military and naval establishments, the debt, and the new direction given to a large amount of the capital and industry of the country in consequence of the war, the Embargo, the Non-importation, and Non-intercourse Acts, which preceded it. These, in turn, involved the question of our foreign relations in all their bearings. After a survey of the whole ground, the Committee of Ways and Means reported the bill, with the full concurrence of the administration, which passed with but few changes, and has since been called the Tariff of 1816.

Few measures have been less understood or more misrepresented. It has been the general impression that the duties were adjusted by the bill mainly in reference to the protection of manufactures. Such is far from being the fact. With the exception of a few items, such as the minimum duty on coarse cottons, the duties on rolled iron, and, perhaps, one or two more, the duties would have been arranged substantially as they were if there had not been a manufacturing establishment in the whole country. It was in other respects a revenue bill, proposed and reported by the committee to whom the subject of revenue properly belonged, and regulated in its details, with the few exceptions referred to, by revenue considerations.

The first great question in the adjusting of the duties was, what amount of revenue would the future policy of the country require? And, in deciding that, the leading question was, whether the public debt should be rapidly or slowly paid? In this decision were involved, not only the question of the policy of freeing the government as soon as possible from debt, but also the collateral effects of such a process on the country under the particular circumstances of the case. In that view, the effects which raising the duties, with a view to the speedy discharge of the debt, would have in sustaining the manufacturing establishments which had grown up under the war, and the restrictive system preceding it, served to create a strong motive for adopting that policy, and for fixing the duties as high as they stand in the act. In conformity with this policy, an efficient sinking fund of \$10,000,000 annually was provided for the payment of the principal and interest of the debt, with the proviso that all moneys remaining in the treasury at the end of each year exceeding \$2,000,000 should be carried to its aid. It was in reference to these views, and the necessity of providing for the military and naval establishments on a scale sufficiently extended for the public service, that the details of the bill and the rates of the duties were mainly adjusted, and not solely or principally for the protection of manufactures, as has been erroneously supposed. If proof is required, conclusive evidence will be found in the bill itself, which imposes a much lower average rate of duties on what are now called the protected articles, that is, articles similar to those made at home, or which may come into competition with them, than upon the other descriptions.

Nor has the course of Mr. Calhoun in reference to it been less misunderstood or misrepresented than the measure itself. He has frequently been called the author of the protective system. Nothing is more untrue. He was not on the committee, and took no part in the discussion, except to make a short off-hand speech at the request of a friend, at a particular stage of the debate. He was engrossed with the duties of his own committee, and had bestowed but little attention to the details of the bill. He concurred in the general views and policy in which it originated, and the more readily because it would sustain the manufacturing establishments that had grown up under the war-measures of the government. Shortly after he came into Congress, he had anticipated, as has been stated, the difficulty that would be occasioned by the new direction which so considerable a portion of the capital and labour of the country had taken; and, while he professed a disposition at the time to do what could be legitimately done to support them on the return of peace, yet he used his best efforts to diminish the necessity, as far as practicable, by removing every remnant of the restrictive system during the war. He did not then, nor do we believe that he has since doubted that, in deciding whether the debt should be more speedily or more tardily discharged, the favourable effects which the former mode would have in sustaining the manufacturing establishments was, under the circumstances of the case, a legitimate and proper consideration. But truth and candour require us to say, that, as far as the details of the bill went beyond, and raised the duties above the revenue point, with the view to protection, as on our coarse cottons and rolled iron, he has long believed it to be unconstitutional, unjust, and unwise. The subject was new, and his attention was drawn to other subjects, and he did not take the proper distinction between duties for revenue and for protection, nor was it, as it is believed, taken at the time by any one. He who will examine Mr. Calhoun's remarks on the occasion will not fail to perceive that the support he gave the bill looked, not to what has since been called the protective policy, but almost wholly to considerations of a public character connected with the foreign relations of the

country, and the danger resulting from war to a country, as ours was then, in a great measure, dependant on agriculture and commerce with foreign nations, without the requisite naval power to keep open in war the channels of trade with the rest of the world. In fact, it is difficult at this time, in the changed condition of the country and the world, to realize the circumstances under which the public men of that day acted, and the motives which guided them.

To do so, we must go back to the history of that period. A just and necessary war had been honourably terminated with the greatest power in the world, after a short but perilous struggle. The violent and unpatriotic course of the opposition during the war had so discredited it, that the name and doctrines of the Federal party, once so respectable, had become odious. After the war, they ceased to use their old name, or to avow their doctrines as a party; and the long struggle between them and their principles and policy, and the Republican party and their principles and policy, was supposed to have finally terminated in the ascendancy of the latter. The impression was almost universal, that the danger to our popular system of government from the Federal consolidation doctrines was ended. The only cause of danger to the country and its institutions was then supposed to be from abroad. The overthrow of Bonaparte was followed throughout Europe by a powerful reaction against the popular principles on which our government rests, and to which, through the influence of our example, the French Revolution was traced. To counteract their influence, and to put down effectually their revival in Europe, a league of all the great Continental monarchs was formed, called the Holy Alliance. Great Britain did not expressly accede to it, but countenanced and supported it. Our country of all the world stood alone in opposition, and became an object of the deepest jealousy. The Spanish provinces of South America, it is true, were in a revolutionary state, and struggling to form governments similar to ours. It was known that this formidable combination of crowned heads meditated hostile movements against them on political grounds, which could not be made without involving us. In such a state of the world, well might the patriots of that day be roused to the dangers from without, almost to the neglect of those from within. Had events taken the course which then seemed so probable, much that was then said and done, which now seems to require explanation, would have been regarded as profoundly wise. This is pre-eminently true of Mr. Calhoun's course. Always vigilant and solicitous for the safety and prosperity of the country, he kept his eyes steadily directed, at that critical period, to the point from which he and all then thought the country was menaced, and was active and zealous in giving such a direction to the policy of the government, for the time, as was best calculated to meet it. During this period, he spoke at large on the subject of defence against external danger, in a speech delivered on the subject of the repeal of the direct taxes, and which, for its eloquence, ability, and lofty and patriotic sentiments, gained him great applause. To the same cause may be traced his course, and that of the great body of the party at the time, on most of the subjects in reference to which different views are now entertained by them, and, among others, on that of internal improvements. On that subject, as well as upon the tariff, his views have been much misunderstood as well as misrepresented. Of these views a brief explanation may here be important.

During the war, while the coasting trade was interrupted, the whole internal commercial intercourse, and the military transportations and movements over our widely-extended country, had to pass through internal routes, then in a state far less perfect than at present, and the difficulties

were immense. Great delay, uncertainty, and expense attended the concentration of any considerable force or supply on a point where the defence of the country or an attack on the enemy made it necessary. This greatly enfeebled our military operations, and contributed much to exhaust the means of the government. So great were the expense and difficulties, that it is estimated, for example, that much of the flour delivered at Detroit during the war cost \$60 per barrel, and most of the cannon and ball transported to the lakes not less than 50 cents per pound.

At the commencement of the first session after the war, while the recollection of these things was fresh, Mr. Madison, in his opening message, among other things, invited the attention of Congress to the subject of internal improvements, and recommended Congress to call into exercise whatever constitutional power it might possess over the subject, and if that should not prove adequate, to apply for an amendment to the Constitution granting such additional powers as would be sufficient. Mr. Calhoun, acting, as he supposed, in strict conformity to this recommendation, reported a bill at the next session, to set apart and pledge the bonus of the United States Bank and their share of its dividends as a fund for internal improvement. It made no appropriation, nor did it intend to affirm that Congress had any power, much less to fix the limits of its power, over the subject; but to leave both, as well as the appropriations thereafter to be made, to abide the decision of Congress, in conformity with the President's views. Nor did Mr. C. undertake to establish either in his speech. He declined both, and confined his remarks to the general benefit of a good system of internal improvements. When urged to assert the power of Congress, he refused, saying that, although he believed it possessed the power to a certain extent, he was not prepared to say to what limits it extended. He had not the least suspicion, in reporting and supporting the bill, that he went beyond the President's recommendation, or that he would have any difficulty in approving it, till the bill had passed both Houses, and was sent to him for his signature.

It was Mr. Madison's last session, and only a few days before its termination, when the bill was sent to him; and while it was still before him, Mr. Calhoun called to take his leave of him. After congratulating him on the success of his administration, and expressing the happiness he felt in having had the opportunity of co-operating with him in its most difficult period, that of the war, he took his leave. When he reached the door, Mr. Madison requested him to return. He did so, and took his seat; and for the first time Mr. M. disclosed to him his constitutional objections to the bill. Mr. Calhoun expressed his deep regret, first, that he should entertain them, and, next, that he had not intimated them to him in time, saying that, if he had, he (Mr. Calhoun) would certainly not have subjected him to the unpleasant duty, at the very close of his administration, of vetoing a bill passed by the votes of his friends, nor himself to having the weight of his name and authority brought against him on such a subject. He then stated that he had introduced the bill, as he believed, in strict conformity to his recommendation, and if he had gone beyond, it was not intentional, and entreated him to reconsider the subject; but it was too late.

In this connexion, it is due to candour to state, that although Mr. Calhoun has never committed himself, in any speech or report, as to the extent of the constitutional powers of Congress over internal improvements, yet his impression, like that of most of the young men of the party at the time, was, that it was comprehended under the money-power of the government. Experience and reflection soon taught him this was an error—one, in all probability, originating with him, and others of his own age, in the precedent of the Cumberland Road, which may be regarded as the first

departure by the Republican party from the true construction of the Constitution in reference to that dangerous power. Thus much it has been thought proper to state by way of explanation, and as due to that portion of our political history, and the part which Mr. Calhoun acted in relation to it.

The subject of the currency, as has been stated, was particularly intrusted to Mr. Calhoun. It was regarded as the most difficult and important question of the session. All the banks of the states south of New-England had, at an early period of the war, stopped payment, and gold and silver had entirely disappeared, leaving within their limits no other currency than the notes of banks that either would not or could not redeem them. Government was forced to submit, and not only to collect its taxes and dues, and make its disbursements, and negotiate its loans in their discredited and depreciated paper, but also to use them, at the same time, as the agents of the treasury and depositories of its funds. At first the depreciation was inconsiderable, but it continued to increase, though unequally, in the different portions of the Union to the end of the war. It was then hoped it would stop; but the fact proved far otherwise; for the progress of depreciation became more rapid and unequal than ever. It was greatest at the centre (the District of Columbia and the adjacent region), where it had reached 20 per cent., as compared with Boston; nor was there the least prospect that it would terminate of itself. It became absolutely necessary, in this state of things, for the government to adopt the rule of collecting its taxes and dues in the local currency of the place, to prevent that which was most depreciated from flooding the whole Union; for the public debtors, if they had the option, would be sure to pay in the most depreciated. But the necessary effect of this was to turn the whole import trade of the country towards the Chesapeake Bay, the region where the depreciation was the greatest. By making entry there, the duties could be paid in the local depreciated currency, and the goods then shipped where they were wanted. The result of the rule, though unavoidable, was to act as a premium for depreciation. It was impossible to tolerate such a state of things. It was in direct hostility to the Constitution, which provides that "all duties, imposts, and excises shall be uniform throughout the United States," and that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over another." Thus the only question was, What shall be done?

The administration was in favour of a bank, and the President (Mr. Madison) recommended one in his Message at the commencement of the session. The great body of the Republican party in Congress concurred in the views of the administration, but there were many of them who had, on constitutional grounds, insuperable objections to the measure. These, added to the Federal party, who had been against the war, and were, in consequence, against a bank, constituted a formidable opposition.

Mr. Calhoun, whose first lesson on the subject of banks, taken at the preceding session, was not calculated to incline him to such an institution, was averse, in the abstract, to the whole system; but perceiving then no other way of relieving government from its difficulties, he yielded to the opinion that a bank was indispensable. The separation of the government and the banks was at that time out of the question. A proposition of the kind would have been rejected on all sides. Nor was it possible then to collect the taxes and dues of the government in specie. It had been almost entirely expelled the country; there appeared to be no alternative but to yield to a state of things to which no radical remedy could at that time be applied, and to resort to a bank to mitigate the evils of a system which in its then state was intolerable. This, at least, was the

view which Mr. Calhoun took, and which he expressed in his speech on taking up the bill for discussion. It is said to have been one of the most elaborate and powerful he ever delivered. Unfortunately, it is lost. That published at the time is a meager sketch of what took three hours in the delivery, and such as it is, never passed under his review and correction, and omits almost entirely all that does not immediately refer to the bank.

The passage of the Bank Bill was followed by the joint resolution of 1816, which prohibited, after a certain day, the reception of the notes of any bank which did not pay specie. It received the decided support of Mr. Calhoun, and was the first step towards the separation of the government from the banking system. Through the joint agency of the two measures, the currency was brought to the specie standard, and the evil remedied.

During the same session a bill was passed changing the per diem pay of members of Congress into an annual compensation of \$1500. It proved to be exceedingly unpopular; so much so, that the greater part of the members who voted for it declined offering for re-election, and those who were again candidates, with few exceptions, were defeated at the polls. Mr. Calhoun voted for the bill, though he took but little part or interest in its passage. When he returned to his constituents, he found, for the first time, the tide of popular favour against him. So strong was the current, that his two predecessors, who had retired in his favour, General Butler and Colonel Calhoun, the latter a near relative, were both violently opposed to him, and the former came out as a candidate against him. They were both men of great influence, the one residing at Edgefield, the other in Abbeville, and these two formed the Congressional district. Only a few faithful friends ventured openly to vindicate his vote. He was advised to appeal to the kind feelings of his constituents, and apologize for his course. This he peremptorily declined, declaring that he had voted for the measure because he believed it was right, and could not, as his opinion remained unchanged, apologize for that which his judgment approved. He added, at the same time, that all he asked was, that his constituents should give him a hearing in explanation of his vote. A day was appointed in each of the districts for him to address them at the courthouses. He met and addressed them accordingly. In his two speeches he confined himself to the merits of the question, without apology or appeal to sympathy, but with such force, candour, and manliness, that the tide was completely turned, and he was triumphantly re-elected.

At the next session of Congress a bill was introduced to repeal the act. It gave rise to an animated and interesting debate, in which Mr. Calhoun took part, and entered fully into the merits of the measure, and the reasons which governed him in voting for it. An estimate may be formed of the ability of the speech from the following compliment bestowed upon it by Mr. Grosvenor, of New-York, one of the ablest and most distinguished members of the House, on the opposite side in politics. To understand the allusion which he made, and to appreciate the full force of the compliment, it is proper to premise that there had been a personal difference between him and Mr. Calhoun in one of the secret sessions during the war, since which they had not been on speaking terms. Mr. Grosvenor said, "He had heard, with peculiar satisfaction, the able, manly, and constitutional speech of the gentleman from South Carolina." [Here Mr. Grosvenor, recurring in his own mind to their personal difference with Mr. Calhoun, which arose out of the warm party discussions during the war, paused for a moment, and then proceeded]: "Mr. Speaker, I will not be restrained. No barrier shall exist which I will not leap over for the purpose of offering to that gentleman my thanks for the judicious, in-

dependent, and national course which he has pursued in this House for the last two years, and particularly upon the subject now before us. Let the honourable gentleman continue with the same manly independence, aloof from party views and local prejudices, to pursue the great interests of his country, and fulfil the high destiny for which it is manifest he was born. The buzz of popular applause may not cheer him on his way, but he will inevitably arrive at a high and happy elevation in the view of his country and the world."

He made another effort about the same time on the treaty-making power, of which William Pinckney, the distinguished advocate, at that time a member of the House from Maryland, and who followed in the debate, said, "The strong power of genius, from a higher region than that of argument, had thrown on the subject all the light with which it is the prerogative of genius to invest and illustrate everything;" and still more directly, "The gentleman from South Carolina (Mr. Calhoun) has exhausted the correct constitutional grounds of the question, and left me nothing but to recapitulate his arguments."

After taking an active and influential part in all the great questions which grew out of the transition from a state of war to that of peace, both at this and the preceding session, he began to turn his attention towards correcting the abuses which existed in the administrative branches of the government, and more especially towards the disbursements, in which great looseness and profusion had prevailed during the war. He had ever been the advocate of rigid economy and accountability in the use of the public money, and had resolved thenceforward to devote himself to their enforcement while he remained in Congress. The first thing that he struck at was the dangerous power which had been given to the President, of transferring appropriations, at his discretion, from one branch of service to another, in the war and navy departments; thereby converting, in effect, specific into general appropriations, and subjecting them, in a great measure, to his control. The evil had become so inveterate that it could not all at once be extirpated. The chairman of the Committee of Ways and Means, and the Secretary of the Treasury, both opposed the repeal of the act which authorized such transfers, but he nevertheless succeeded, against their opposition, in imposing important limitations on the power. This was among his last Congressional acts.

CHAPTER III.

Including the Period during his Administration of the War Department.

SHORTLY before the meeting of Congress at the next session, he received an invitation from Mr. Monroe to take a place in his cabinet as Secretary of War. It was unsolicited and unexpected. His friends, with some exceptions, advised against his acceptance, on the ground that Congress was the proper theatre for his talents; Mr. Lowndes concurred in this advice, and, among other reasons, urged that his improvement in speaking had been such that he was desirous to see the degree of eminence he would reach by practice. Indeed, the prevailing opinion at the time was, that his talent lay more in the power of thought than action. His great powers of analysis and generalization were calculated to make the impression, which was not uncommon at the time, that his mind was more metaphysical than practical, and that he would lose reputation in taking charge of a department, especially one in a state of such disorder

and confusion as the war department was then. The reasons assigned by his friends served but to confirm Mr. Calhoun in the opinion that he ought to accept. He believed the impression of his friends was erroneous as to the character of his mind; but if not, if his powers lay rather in thinking and speaking than in execution, it was but the more necessary he should exercise them in the latter, and thereby strengthen them where they were naturally the weakest. He also believed that he could render more service to the country in reforming the great disbursing department of government, admitted to be in a state of much disorder, than he could possibly do by continuing in Congress, where most of the great questions growing out of a return to a state of peace had been discussed and settled. Under the influence of these motives, he accepted the proffered appointment, and entered on the duties of the department early in December, 1817.

Thus, after six years of distinguished services in Congress, during which Mr. Calhoun bore a prominent and efficient part in originating and supporting all the measures necessary to carry the country through one of the most trying and difficult periods of its existence, and had displayed throughout great ability as a legislator and a speaker, we find him in a new scene, where his talents for business and administration for the first time are to be tried. He took possession of his department at the most unfavourable period. Congress was in session, when much of the time of the secretary is necessarily occupied in meeting the various calls for information from the two Houses, and attending to the personal application of the members on the business of their constituents. Mr. Graham, the chief clerk, an able and experienced officer, retired shortly afterward, and a new and totally inexperienced successor had to be appointed in his place. The department was almost literally without organization, and everything in a state of confusion. Mr. Calhoun had paid but little attention to military subjects in any of their various branches. He had never read a treatise on the subject, except a small volume on the Staff.

In this absence of information, he determined at once to do as little as possible at first, and to be a good listener and a close observer till he could form a just conception of the actual state of the department and what was necessary to be done. Acting on this prudent rule, he heard all and observed everything, and reflected on and digested all that he heard and saw. In less than three months he became so well acquainted with the state of the department, and what was required to be done, that he drew up himself, without consultation, the bill for organizing it on the bureau principle, and succeeded in getting it through Congress against a formidable opposition, who denounced it as wild and impracticable. But, on the contrary, this organization has been proved to be so perfect, that it has remained unchanged through all the vicissitudes and numerous changes of parties till this time, a period of twenty-five years.

But that was only the first step. The most perfect system is of little value without able and faithful officers to carry it into execution. The President, under his advice, selected to fill the several bureaus such officers as had the confidence of the army for ability and integrity, and possessing an aptitude of talent for the service of the bureau for which they were respectively selected. With each of these Mr. Calhoun associated a junior officer, having like qualifications, for his assistant. But, to give effect to the system, one thing was still wanting—a code of rules for the department and each of its bureaus, in order to give uniformity, consistency, efficacy, and stability to the whole. These he prepared, with the assistance of the heads of the respective bureaus, under the provision of the bill for the organization of the department, which gave the secretary

the power to establish rules not inconsistent with existing laws. They form a volume of considerable size, which, like the act itself, remains substantially the same, though, it is to be feared, too often neglected in practice by some of his successors. All this was completed in the course of a few months after the passage of the act, and the system put into active operation. It worked without a jar.

In a short time its fruits began to show themselves in the increased efficiency of the department and the correction of abuses, many of which were of long standing. To trace his acts through the period of more than seven years, during which Mr. Calhoun remained in the war-office, would be tedious, and occupy more space than the object of this sketch would justify. The results, which, after all, are the best tests of the system and the efficiency of an administration, must be taken as a substitute. Suffice it, then, to say, that when he came into office, he found it in a state of chaos, and left it, even in the opinion of opponents, in complete organization and order. An officer of high standing and a competent judge pronounced it the most perfectly organized and efficient military establishment for its size in the world. He found it with upward of \$40,000,000 of unsettled accounts, many of them of long standing, going back almost to the origin of the government, and he reduced them to less than three millions, which consisted, for the most part, of losses, and accounts that never can be settled. He prevented all current accumulation, by a prompt and rigid enforcement of accountability; so much so, that he was enabled to report to Congress in 1823, that "of the entire amount of money drawn from the treasury in 1822 for military service, including pensions amounting to \$4,571,961 94, although it passed through the hands of 291 disbursing officers, there has not been a single defalcation, nor the loss of a single cent to the government." He found the army proper, including the Military Academy, costing annually more than \$451 per man, including officers, professors, and cadets, and he left the cost less than \$287; or, to do more exact justice to his economy, he diminished such parts of the cost per man as were susceptible of reduction by an efficient administration, excluding pay and such parts as were fixed in moneyed compensation by law, from \$299 to \$150. All this was effected by wise reforms, and not by parsimony (for he was liberal, as many supposed, to a fault) in the quality and quantity of the supplies, and not by a fall of prices; for in making the calculation, allowance is made for the fall or rise of prices on every article of supply. The gross saving on the army was \$1,300,000 annually, in an expenditure which reached \$4,000,000 when he came into the department. This does not include the other branches of service, the ordnance, the engineer and Indian bureaus, in all of which a like rigid economy and accountability were introduced, with similar results in saving to the government.

~~These great improvements were made under adverse circumstances.~~ Party excitement ran high during the period, and Mr. Calhoun came in for his full share of opposition and misrepresentation, which may be explained by the fact that his name had been presented as a candidate for the presidency. He was often thwarted in his views and defeated in his measures, and was made for years the subject of almost incessant attacks in Congress, against which he had to defend himself, but with such complete success, finally, as to silence his assailants. They had been kept constantly informed of every movement in his department susceptible of misconstruction or of being turned against him. One of the representatives, who boarded in the same house with his principal assailant, offered to disclose to Mr. Calhoun the channel through which his opponents in Congress derived the information on which they based their attacks. Mr.

Calhoun declined to receive it. He said he did not object that any act of the department should be known to his bitterest enemies: that he thought well of all about him, and did not desire to change his opinion; and all that he regretted was, that if there was any one near him who desired to communicate anything to any member, he did not ask for his permission, which he would freely have given. He felt conscious he was doing his duty, and dreaded no attack. In fact, he felt no wish that these attacks should be discontinued. He knew how difficult it was to reform long-standing and inveterate abuses, and he used the assaults on the department and the army as the means of reconciling the officers, who might be profiting by them, to the measures he had adopted for their correction, and to enlist them heartily in co-operating with him in their correction, as the most certain means of saving the establishment and themselves. To this cause, and to the strong sense of justice which he exhibited on all occasions, by the decided support he gave to all who did their duty, and his no less decided discharge of his duty against all who neglected or omitted it, is to be attributed the fact that he carried through so thorough a reform, where there was so much disorder and abuse, with a popularity constantly increasing with the army. Never did a secretary leave a department with more popularity or a greater degree of attachment and devotion on the part of those connected with it than he did.

In addition to the ordinary duties of the department, he made many and able reports on the subject of our Indian affairs, on the reduction of the army, on internal improvements, and others. He revived the Military Academy, which he found in a very disordered state, and left it in great perfection; he caused a minute and accurate survey to be made of the military frontier, inland and maritime, and projected, through an able board of engineers, a plan for their defence. In conformity with this plan, he commenced a system of fortification, and made great progress in its execution, and he established a cordon of military posts from the lakes around our northwestern and southwestern frontiers to the Gulf of Mexico.

Another measure remains to be noticed, which will be regarded in after-times as one of the most striking and useful, although it has heretofore attracted much less attention than it deserves. In organizing the medical department, Mr. Calhoun, with those enlarged views and devotion to science which have ever characterized him, directed the surgeons at all the military posts extending over our vast country, to report accurately to the surgeon-general at Washington every case of disease, its character, its treatment, and the result, and also to keep a minute register of the weather, the temperature, the moisture, and the winds, to be reported in like manner to the surgeon-general. To enable them to comply with the order, he directed the surgeons at the various posts to be furnished with thermometers, barometers, and hygrometers, and the surgeon-general from time to time to publish the result of their observations in condensed reports, which were continued during the time he remained in the war department. The result has been, a vast mass of valuable facts, connected with the diseases and the climate of our widely-extended country, collected through the long period of nearly a quarter of a century. They have been recently collected and published in two volumes by Dr. Samuel Forney, of the United States army. The one is entitled "Medical Statistics," and the other "The Climate of the United States," in which many interesting facts are disclosed relative to the diseases and climate of the different portions of our country. This example has been already followed by England, on a still more enlarged scale, and will doubtless be imitated by all civilized nations, and will in time lead to most interesting discoveries in the sciences of medicine and meteorology generally. The honour of taking the first

step in this important matter, and the discoveries to which it will lead, will, under the enlightened policy of Mr. Calhoun, belong to our country.

During the second term of Mr. Monroe's administration, the names of six candidates were presented to the people of the United States for the presidential office, Mr. Adams, Mr. Crawford, General Jackson, Mr. Clay, Mr. Lowndes, and Mr. Calhoun. The names of the two latter had been brought forward, the former by South Carolina, and the latter by Pennsylvania, and both nearly at the same time, without its being known to either that it was intended. They were warm and intimate friends, and had been so almost from their first acquaintance. They had both entered Congress at the same time, and had rarely ever differed in opinion on any political subject. Mr. Lowndes was a few years the oldest, and the first nominated. Mr. Calhoun's nomination followed almost immediately after. As soon as he heard of it, he called on Mr. L., and stated that it had been made without his knowledge or solicitation, and that he called to say that he hoped the position in which they had been placed by their friends towards each other would not affect their private and friendly relations. That he would regard it as a great misfortune should such be the effect, and was determined on his part to do everything to avoid it. Mr. Lowndes heartily reciprocated the same sentiment. It is unnecessary to state that they faithfully adhered to their resolution; and these two distinguished citizens of the same state, and nearly of the same age, set the noble and rare example of being placed by friends as rivals for the highest office in the gift of a great people, without permitting their mutual esteem and friendship to be impaired.

But, unfortunately for themselves, and, it may be said, for the country, the same harmony of feeling was not preserved between Mr. Calhoun and another of the candidates, Mr. Crawford. They had been long acquainted, and although residing in different states, they lived but a short distance apart, and had been long on friendly terms. It is difficult to trace the chain of causes by which they and their friends were brought into collision. Mr. Calhoun supported decidedly Mr. Monroe in his first election, when Mr. Crawford's name had been brought forward in opposition to him. He had acted as chairman of the Committee of Foreign Relations, while Mr. Monroe was Secretary of State, during Mr. Madison's time, and had, from his frequent and intimate intercourse with him, formed a high estimate of his character for honesty, fidelity, and patriotism, to which, adding his sound judgment, long public service and experience, his age, and revolutionary claims, it was natural, without disparaging the high qualifications of Mr. Crawford, he should give him the preference. Mr. Crawford's friends relied on a Congressional caucus for a nomination, to which Mr. Calhoun was opposed, and against which he long stood out with the leading friends of Mr. Monroe in Congress. They finally assented reluctantly to go into one, to avoid a split in the party. Mr. Monroe was nominated by a small majority, when, in the opinion of his friends, the majority of the people was overwhelming in his favour. It is not extraordinary that he and many of his other friends, with this impression, should have been confirmed in their objections to a caucus nomination, as calculated to be influenced by improper considerations, and thus, instead of concentrating the will of the people, as it was originally intended to do, becoming capable of being made the instrument of defeating it, and of imposing on the country a President not of its choice.

When Mr. Crawford's friends brought forward his name the second time, they again relied on a caucus; while the friends of all the other candidates were in favour of leaving the election to a direct appeal to the sense of the people, as they all belonged to one party, and professed the

People

same political creed. With his decided impression against a caucus, strengthened, as has been stated, by what occurred at the first election of Mr. Monroe, it is not at all surprising that Mr. Calhoun's friends should take a prominent stand against another appeal to a Congressional caucus: that, together with the latent feelings on both sides (of which both were perhaps unconscious), growing out of the stand he made in favour of Mr. Monroe and against Mr. Crawford, probably led to the regretted division between their friends, which continued, as usual, long after the cause had ceased, with such mischievous influence on the politics of the country and the party to which both belonged.

Time and experience have decided against a Congressional caucus; but it must be admitted, looking back to the scenes of that day, that much might be said for and against it. It is certainly highly desirable that the people should act directly in voting for a President, uninfluenced by the address and management of powerful combinations of individuals acting through a small body, and who, in making a nomination, may respect their own interest and feelings much more than the voice of the people, or even the party they represent. But, on the other hand, without the intermediate agency of some such body in so large a country, and with so many prominent citizens from which to make a selection, the danger of discord in the ranks of the majority, and, through it, of the triumph of a minority in the election, is great. The chance is between discord with all its consequences, and the dictation of party leaders with all its effects. Each is pregnant with mischief. It is the weak point of the government, and unless it be guarded with the utmost vigilance, must end, on the one hand, in interminable confusion, or, on the other, in rendering the election by the people merely nominal. Without such vigilance, the real election would degenerate into the dictation of caucus. It was on this difficult point that the friends of these two distinguished citizens split, and it is left to time and experience yet to decide which were right.

In the progress of the canvass the talented and lamented Lowndes died, in the prime of life, and Mr. Calhoun's friends in Pennsylvania, with his acquiescence, withdrew his name, rather than subject the state to a violent contest between them and the friends of General Jackson. They had maintained throughout the canvass the most friendly relations, and were both decidedly opposed to the caucus. On his withdrawal, he was taken up by the friends both of General Jackson and Mr. Adams for the Vice-presidency.

This memorable canvass terminated in returning General Jackson, Mr. Adams, and Mr. Crawford to the House of Representatives, from which three, by the provisions of the Constitution, one was to be elected. The electoral votes received by each stood in the order in which their names are placed. Mr. Calhoun was elected by the people Vice-president by a large majority. The House, voting by states, on the first ballot elected Mr. Adams. Mr. Clay, who was then a member of the body, voted for him, against, as it was believed, the sense of a majority of his constituents. That impression, connected with his previous relations, personal and political, with Mr. Adams, caused much excitement, and a strong determination on the part of many to organize forthwith an opposition to the new administration. Mr. Calhoun discountenanced an immediate move, on the ground that, although, in his opinion, the vote belonged to the state, and should be given to the candidate the state would elect if left to its choice, yet he was not prepared to say whether there might not be circumstances under which a member might assume the high responsibility of voting otherwise, and, for the justification of his conduct, throw himself on the state; but he thought it indispensable that the member as-

suming it should make out a strong case, and that he would owe it to himself and the country to place his relations and conduct towards the administration of him whom he had elected above all suspicion. His advice induced his friends to wait the development of events; but when Mr. Clay afterward took office, and Mr. Adams adopted, in its full extent, Mr. Clay's American System, opposition to the administration from himself and his friends followed as a matter of course.

CHAPTER IV.

Including the Period during which he was Vice-president.

MR. CALHOUN took his seat in the Senate as Vice-president on the 4th of March, 1825, having remained in the war department a few months more than seven years. There never was a department left in more perfect order. It literally almost moved of itself. When he took charge of the department, it was difficult to discharge its duties with less than fourteen or fifteen hours of severe daily labour; but when he left it, the secretary had little to do beyond signing his name and deciding on such cases as were brought up by the subordinate officers, and were not embraced in the numerous and comprehensive rules provided for their government. He had not, indeed, been long in office before those who doubted his executive talents were disposed to place them even above his parliamentary, great as they were acknowledged to be. He united, in a remarkable degree, quickness with precision, firmness with patience and courtesy, and industry with the higher capacity for arrangement and organization; and to these he added exemption from favouritism, a high sense of justice and inflexible devotion to duty. Taken together, they formed a combination so fortunate, that General Bernard, who had been a favourite aid-de-camp of the Emperor Napoleon, and saw and knew much of him, and who was chief of the board of engineers while Mr. Calhoun was secretary, and had an equal opportunity of observing him, not unfrequently, it is said, compared his administrative talents to those of that extraordinary man.

The duties of the office of Vice-president, though it is one of high dignity, are limited, except giving a casting vote when the body is equally divided, to presiding in the Senate, which, in a body so small and courteous, and having so few and simple rules, affords but little opportunity for the display even of the peculiar talents necessary for Presidency in a deliberative body. The most eminent in filling such an office cannot leave much behind worth remembering. It is sufficient to say of him, that, as a presiding officer, he was impartial, prompt, methodical, and attentive to his duties. He always appeared and took his seat early in the session, and continued to preside till within a short time of its close; contrary to the practice of some of his immediate predecessors, who, by their long and frequent absence from their seat, had permitted the office to fall into some discredit. He was careful in preserving the dignity of the Senate, and raising its influence and weight in the action of the government. In putting questions, he changed the form of address from "Gentlemen" to the more simple and dignified address of "Senators," which has since been preserved, and adopted by the senators themselves in alluding to each other in debate. But the most important and memorable incident connected with the discharge of his duty as the presiding officer, and the most characteristic of the man, was the stand he took in favour of the rights of the body itself, and against his own power. He

decided, during a period of great excitement on the Panama Question, when party spirit ran high, and the debate was very warm and personal, that he had no right to call a senator to order *for words spoken in debate*. He rested his decision on the broad ground that, as the presiding officer, he had no power but to carry into effect the rules adopted by the body, either expressly or by usage, and that there was neither rule nor usage to authorize him to exercise the power in question. On the contrary, the rules of the Senate, by strong implication, limited the power of calling to order *for words spoken in debate* to the members themselves, to the exclusion of the presiding officer. And yet this decision, resting on so solid a foundation, subjected Mr. Calhoun to the fiercest attacks and the grossest abuse; and, what is more extraordinary, he was opposed by the members themselves, whose rights he maintained, with the exception of Mr. Macon, Mr. Tazewell, and a few others of the elder and more experienced, and his immediate personal friends. To understand how this should happen, it is necessary to advert to the existing state of the parties, and the circumstances under which the decision was made.

The circumstances under which Mr. Adams was elected, the part which Mr. Clay took in his election, and the prominent position to which he was appointed in his cabinet, laid the foundation of the opposition which finally overthrew his administration. This opposition was greatly strengthened by the bold Federal and consolidation doctrines avowed by Mr. Adams in his inaugural address, and by the wild measures of policy which he recommended. Among these was the project of sending commissioners to the Congress proposed to be convened at Panama of all the states that had grown up on the overthrow of the Spanish dominions on this Continent. This was a favourite measure of the administration. Mr. Calhoun was understood to be decidedly opposed to it, both on the ground of unconstitutionality and inexpediency; and it was on that question that the first attack was made on the administration. It commenced in the Senate; and, as he had not disguised his disapprobation, he was regarded in a great measure as the adviser and author of the attack, which, of course, subjected him to the fierce and united assaults of the administration and its friends. At the same time, the opposition in the Senate, though united against the administration, and its doctrines and policy, consisted of individuals who had but a short time before held political relations with men far from being friendly. They consisted of the friends of Mr. Crawford, General Jackson, Mr. Calhoun, and such portion of Mr. Clay's as disapproved of his connexion with Mr. Adams. With the exception of his own friends, and those of General Jackson, there was no indisposition, on the part of a large portion of the rest of the opposition, to see him sacrificed by the party in power. But as difficult and critical as was his position, it could not prevent him from a manly avowal of his opinion on a novel, and what he believed to be an important question, or from exposing himself to hazard when principle and duty required him to assert the rights of the body, though against his own power. But what added greatly to the excitement and abuse was the particular occasion upon which the decision was made. Mr. Randolph was then a member of the Senate, and gave full vent to his inimitably sarcastic power against the administration, and especially against the President and the Secretary of State, and their supporters in the body. It was too keenly felt by the last to permit them to do justice to the grounds on which Mr. Calhoun placed his decision, and the occasion was too favourable to be permitted to pass without a formal attack on him. A writer of great power (supposed to be the President himself) attacked his decision with much acrimony, under the signature of Patrick Henry. Finding it impossible

to assail the decision with effect, or through the rules of the Senate or its usage, he was forced to assume the position that the Vice-president, in virtue of his office, derived the power of calling a senator to order *for words spoken in debate*, not from the body itself, but directly from the Constitution, and that, in exercising the power, he was wholly independent of its will. This gave the whole subject a new and highly important aspect; for if it could be successfully maintained, it would give the Vice-president supreme control over the freedom of debate in the Senate. To this a reply followed (supposed to be from Mr. Calhoun), in two numbers, under the signature of Onslow, that so completely demolished the argument of Patrick Henry as to turn the tide in his favour. The Senate itself became so well satisfied of the injustice done him, that on the revisal of the rules a year or two afterward, they gave him the power in question, with an almost unanimous approval of his decision. It was thus, by his fairness under these trying circumstances, that he preserved a right of the body, which he might have usurped, not only with safety, but with increased popularity for the time; but of which the Senate could not be divested without a surrender of the freedom of debate, and the right of making their own rules, secured to them by the Constitution itself.

So vigorous was this first onset of the opposition, that the administration reeled under the force of the blow, and it became apparent that nothing but some bold step could save them from defeat, by the election of General Jackson, under whom the opposition, with the hearty concurrence of Mr. Calhoun and his friends, had unanimously rallied. The great strength of the administration lay in the various powerful interests rallied under the plausible name of Home Industry and the American System, of which the Secretary of State was the acknowledged head, and to which the President had given his adhesion. Their hope of holding power rested on a unanimous and zealous rally of that powerful combination in favour of the administration. The tariff was the great central interest, around which all the others revolved. The whole party, without schism, were united in its favour, while the opposition was greatly divided in reference to it; a great portion of the party, North and West, being in its favour, while the South and Southwest were united almost to a man against it. In fact, the portion of the Union at that time most attached to a high protective tariff was the Middle and Western States, and yet its union with the South and Southwestern portion was indispensable to the election of General Jackson. The advantage this state of things afforded was perceived by those in power, and was not permitted to remain without an attempt to turn it to account.

For that purpose, a general convention was called to meet at Harrisburg, the seat of government in Pennsylvania, and the friends of the tariff everywhere were invited to take into consideration the state of the manufacturing interest, and to devise measures for its farther promotion. The place was well chosen. Pennsylvania, though a thorough tariff state, was favourable to General Jackson's election, and its support was regarded as indispensable to his success. It met, and attempted to rally the whole interest by an elaborate report in favour of the protective system, accompanied by a scheme of high duties, to be presented to Congress at the next session for its action. It was thought, if the friends of General Jackson in the tariff states should oppose it, his defeat in those states would be certain; but if, on the contrary, they should support it, a schism between his Northern and Southern supporters would be equally certain, and with not less certainty would be followed by his defeat. But, as plausible as the calculation was, the tariff friends of General Jackson in New-York, Pennsylvania, New-Jersey, and the West, succeeded, as far as politics were concerned, in turning it against its projectors.

They succeeded in electing the speaker, and in obtaining the majority of the Committee of Manufactures in the House. Instead of adopting the Harrisburg scheme, this committee reported a thorough protective tariff, such as suited the states they represented, imposing duties even higher and more indiscriminately than those of the Harrisburg plan. They laid their duties without the slightest regard to the navigating and commercial interests of New-England, and so managed it as to induce the Southern members to resist all the amendments offered to render it acceptable to those who represented that interest, in the expectation of defeating the bill, either on its passage through the House or in the Senate, by the united votes of the members from those states and the South and Southwest. The expectation proved fallacious. The bill passed the House by a small majority, a large portion of the New-England members voting against it; but when it came to the Senate, where the relative united strength of the Southern and New-England States is much greater than in the House, it was ascertained that the bill could not pass unless it was modified so as to be acceptable to the senators from New-England favourable to the administration. It was so modified by the votes of the senators opposed to the administration from the Middle and Western States, contrary to the expectation of the South; for the bill, as modified, received the votes of the New-England senators in favour of the administration, which, added to those in favour of General Jackson from New-York, New-Jersey, Pennsylvania, and the Northwest, made a majority. It passed, accordingly, and became a law; but under such circumstances as not only to deprive the administration of the advantage they anticipated from the scheme, but to turn it directly against them.

Unfortunately, however, in this political manœuvring in the presidential contest, equity, justice, the Constitution, and the public welfare were overlooked. The interests of the great body of the consumers and of nine tenths of the producing interests, including especially the growers of the great agricultural staples, rice, cotton, and tobacco, with those engaged in commerce, ship-building, and navigation, and all their connected interests, were sacrificed to promote the prosperity of a single interest, and that constituting but a small portion of the community. But the evil ended not with their sacrifice, as immense as it was. As bad as was the effect in its pecuniary bearing, it was far worse in its financial, political, and moral operation. Never, in that respect, was a measure of the kind passed under more adverse circumstances. Viewed in its financial aspect, it was worse than folly—it was madness itself. The public debt was nearly extinguished, under the wise policy adopted after the war. After its final discharge, one half nearly of the annual revenue applied to the payment of its principal and interest would be liberated, which, if a wise and just policy had been adopted, would have enabled the government to reduce the duties one half, and still leave a sufficient revenue to provide amply for all the public wants. Instead of that, and in the face of these consequences, the duties were greatly increased, so much so as to be, on an average, nearly fifty per cent. on the value of the imports. This led to a corresponding increase of the revenue, which, in turn, hastened proportionally the final discharge of the debt, when, by necessity, one of three consequences must follow: a vast increase of expenditures; a sudden reduction of the duties, to the ruin of the manufacturers; or else an immense surplus in the treasury, with all its corrupting influence. These obvious results were either not seen or disregarded by those who were governed by cupidity, or too intensely engaged in the presidential contest to look to consequences.

It is regarded as necessary to understand the history of the origin and passage of that disastrous measure, in order to have a just conception of the events which have since occurred, and the motives which governed Mr. Calhoun's

course in reference to them. To it may be traced almost every important incident in our political history since that time, as far as our internal affairs are concerned. To it, too, may be ascribed the division in the Republican party, which separated Mr. Calhoun and the States' Rights portion from the other, and the disasters which have impaired the credit and standing of the country, and deranged and interrupted its currency, finances, commerce, and industrial operations. Mr. Calhoun, although not an actor at the time, was not an inattentive observer of what passed. His position as President of the Senate afforded great advantages for observation and reflection, of which he did not fail to avail himself from the time he first took his seat. Questions relating to the protective policy were constantly occurring in one form or another, and especially attracted his attention and excited reflection. He was not long in making himself master of that policy in all its bearings, economical and political, and in becoming thoroughly satisfied that it was unconstitutional, unjust, unequal, and oppressive in its character and tendency, and that it must, in the end, if it became the established and permanent policy, lead to the overthrow of our free and popular system of government. With this impression of the system, he watched with vigilance the progress of the tariff of 1828, from its incipient state at Harrisburg to the passage of the bill through the Senate. The results of his observation confirmed him in all his previous objections to the system, and strengthened his conviction of the dangers to which it exposed our institutions. For the first time he began to fear, from the part taken in the passage of the bill in the Senate by a considerable and influential portion of the party, that the leading object which he and his friends had in view in the presidential contest (a gradual and cautious reduction of the duties to the revenue standard preparatory to the discharge of the debt) might not be realized by a change of administration. He saw that the passage of the bill opposed great and almost insuperable difficulties to effecting what they desired; but neither he nor they permitted these misgivings to abate their zeal in support of General Jackson's election. They still hoped for the best from him; and how strongly Mr. C. desired his election, an occurrence at the time will best illustrate.

The Senate was so nearly equally divided at one time, that it was believed that the friends of the administration would intentionally so arrange it as to make a tie, and throw the casting vote on the Vice-president, in order to defeat General Jackson's election. His friends became alarmed, and some of them intimated a desire that Mr. Calhoun should leave his seat to avoid the effect, stating as an inducement that, in the event of a tie, the bill would be defeated without his vote. He promptly refused, and replied that no consideration could prevent him from remaining and doing his duty by voting against it; but added, it should not hurt General Jackson's election, for in that event his name should be withdrawn from the ticket as Vice-president. Such was the interest he took in his success, and so strong, and, at the same time, so patriotic, was his opposition to the bill of abominations; and yet many have been so unjust as to attribute his after opposition to the bill to disappointed ambition. On the contrary, he was ready to sacrifice every object of ambition, at a time when not a cloud darkened his prospects, to defeat a measure he believed to be so fraught with mischief. He was then the second officer in the government, and stood, without opposition, for re-election to the same place, on the ticket of General Jackson, whose success was then certain; nor was there any other man in the party of equal prominence and popularity, except the general himself. Nothing was wanting on his part but to accommodate himself to the course of events, without regard to their effects on the country, to have attained the highest office, which lay within a single step from the place where he then stood. This he could not but plainly see; but his resisting temptation on this occasion is but one instance of self-sacrifice among many in a long life, the whole course of which abundantly proves that office, even the highest, has ever been with him subordinate to his sense of duty and the public welfare.

The entire South was justly indignant at the passage of so unjust and oppressive a measure, especially under the circumstances which attended it, and the question universally asked was, What is to be done? On his return home this question was often and emphatically asked him. He was not the man to evade it. He frankly replied that there was no hope from Congress; that in both houses there were fixed majorities in favour of the system, and that there was no hope of any speedy change for the better; but, on the contrary, things must grow worse, if no efficient remedy should be applied. He said that he could see but two possible remedies within the limits of the Constitution; one, the election of General Jackson, who, by bringing to bear systematically and steadily the patronage which the protective system placed in his hands, might reduce the duties down to the revenue standard; and the other, State Interposition or Veto, the high remedy pointed out in the Virginia and Kentucky resolutions as the proper one, after all others had failed, against oppressive and dangerous acts of the general government, in palpable violation of the Constitution. He gave it as his opinion that there was no hope from the judiciary, and, as the act stood, the constitutional question could not be brought before the courts, the majority having refused to amend the title of the bill so as to make it appear on the face of it that the duties were laid for protection and not for revenue, expressly with the view of preventing the courts from taking jurisdiction, and deciding on its constitutionality. He also stated that, although he regarded General Jackson's election as certain, yet he was constrained to say that the circumstances under which the act passed, and the part which many of his influential supporters took in its passage, made it doubtful whether the hopes entertained from his election would, as it regarded the protective system, be realized, and expressed his belief that South Carolina would in the end be obliged to resort to its ultimate constitutional remedy by state interposition, and the ruinous consequences which must inevitably result from the act to itself, to the South, and finally to the whole Union.

Many of the leading citizens of the state visited Mr. Calhoun at his residence, near the mountains in South Carolina, during the summer and autumn after his return from Washington, with all of whom he conversed freely, and expressed the same sentiments. But while he stated his conviction of the necessity of preparing in time for the worst, he always advised that there should be no precipitation, nor anything done to endanger the election of General Jackson, nor, indeed, afterward, till it was ascertained whether his administration would correct the evil before the public debt was finally discharged. He fixed on that as the period for invoking the high authority of the state, as one of the sovereign parties to the constitutional compact, to arrest the evil, not only because he thought that ample time ought to be allowed to see if anything would be done, but because he believed that so long as the money, however unjustly and unconstitutionally extorted from the people by the act of '28, was applied to the payment of the debt, it should be borne. But he thought, if the operation of the act should not then be arrested promptly, the vast surplus revenue which it would afterward pour into the treasury would be converted into the means of perpetuating it, and fixing the system on the country permanently and beyond the reach of any constitutional remedy.

He was the more deeply impressed with the danger from what had already occurred. A leading advocate of the measure in the Senate, Mr. Dickerson, of New-Jersey, the chairman of the Committee on Manufactures, and since Secretary of the Navy, had already moved in anticipation of the payment of the debt, and with the view of strengthening the protective system, that five millions of dollars should annually be taken from the treasury and divided among the states. Such a proposition could not fail to arouse the attention and apprehension of one so sagacious and vigilant as Mr. Calhoun. He saw at once the full extent of the danger. No measure could be devised more insidious, cor-

rupting, or better calculated to effect the object contemplated. The money proposed to be so divided would never return to the pockets of the tax-paying people from whom it was first taken. It would go to the State Legislatures, to be disposed of as they should think proper, and would constitute a fund, in the management of which there would be no responsibility, under the control of the majority of the Legislature, or, rather, of the few leaders of the majority for the time, to be converted by them into means of power and emolument for themselves, through their partisans and friends. The necessary effect would be, that the leaders for the time in all the State Legislatures, even of those most injured by the system, would be interested in its favour; as they, and their friends and partisans, would derive more from the administration and application of the fund than they had contributed to it, as tax-payers, under the duties from which it was derived. Seeing these consequences, he could not doubt that, if the measure was once adopted, it would absorb in its vortex the whole surplus revenue after the discharge of the debt, and unite the General and State Governments in support of a universal system of plunder. Under that state of things, he believed the evil would become remediless, and our free and popular institutions would sink into a mass of corruption. With this impression, he used his utmost influence against this incipient move. It was defeated for the time, but not without deep apprehension, on his part, that it would revive and finally prevail, unless the protective policy, from which this monstrous measure derived its origin as a legitimate offspring, was effectually and forever destroyed. It was this view of the subject that so strongly impressed him with the necessity of decisive action, should the coming administration fail to put it down, and confirmed him in the belief that the time for action should by no means be delayed beyond the final discharge of the public debt.

So deep was his conviction of the danger, that when he was requested by one of the members elected to the Legislature of South Carolina, with whom he had conversed freely when on a visit to him, and who expected to be on the Committee of Federal Relations, to give him his views on the subject, he did not hesitate to draw them up in the shape of a report, in which he fully expressed himself as to the disease, the danger, and remedy; and, regardless of popularity, he gave him authority to state who was its author, should he think it would be of any service. The paper was reported by the committee with some, though not material alterations. Five thousand copies were ordered by the Legislature to be printed, under the title of "The South Carolina Exposition and Protest on the subject of the Tariff."

But while the Legislature were thus preparing to arrest, in the last resort, the obnoxious act, if it should become necessary, they showed, at the same time, their continued confidence in General Jackson. The presidential election came on at the same session, and the electors who were appointed by the Legislature gave their votes to General Jackson and Mr. Calhoun, who were elected by a large majority of the whole electoral college.

His inaugural address was received with enthusiasm by the people of the state, and strong hopes were entertained that their expectations upon his election would be fully realized, and the necessity of resorting to the ultimate remedy of the Constitution avoided; but his first message, at the commencement of the next session, went far to extinguish their hopes.

Here we reach a period of history of which it will be difficult to treat without reviving some recollection of the unfortunate difference which, for a time, divided the Republican party, now so happily united in the defence of their common principles and of constitutional liberty. But, referring to the past, as we shall for its facts, and not for its feelings, we shall endeavour to give so much of this history as is indispensable to an explanation of Mr. Calhoun's connexion with political affairs, as it will hereafter be written by some impartial hand—an effort which, we trust, may not be unacceptable to the great actors

of that day, if they should find it but a calm and dispassionate review of those trying and eventful scenes in which they bore so prominent a part. To suppose that any man would recoil from the truth of history is to attribute to him the meanest and most unmanly of fears—an injustice which no motives of false delicacy would make us even seem to offer to those whom we respect as friends. In discharging our duty as chroniclers, we shall not presume to decide upon the merits of past disputes, as our immediate object may be accomplished without entering upon that delicate ground. In stating the opinions and course of Mr. Calhoun, it is not always with a view of justifying them, and we may disapprove some features in the policy of President Jackson without doubting his motives, or disparaging his great abilities and eminent public services. Each of these great men is too deservedly proud of the past to wish to disguise or conceal any portion of that history upon which he rests his pretensions for fame; and the highest evidence of a noble nature is that candour which receives truth without offence whenever it is truthfully told. Now that the fires of old feuds have burned out, and the excitement of the time has passed away, we doubt not but that each will look upon the past without passion and with impartiality.

But to resume the thread of our narrative. The first message of the President, in December, 1829, did not remove the apprehensions which heretofore had weighed so heavily upon Mr. Calhoun's mind—apprehensions which then seemed the more exaggerated as he, perhaps, was the only man of the time who measured, in their full extent, the consequences of a system against which he was destined soon to peril his all in deadly strife. One of the paragraphs in this message declares that, "After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service." After discussing various modes of applying this surplus, the message thus again proceeds: "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of this surplus revenue would be its apportionment among the several states, according to their ratio of representation; and, should this measure not be found warranted by the Constitution, that it would be expedient to propose to the states an amendment authorizing it." These recommendations were not calculated to relieve the apprehensions of Mr. Calhoun as to the danger of a long continuance of the protective system and its union with distribution; a conjunction which, of all others, he regarded as the most formidable to the liberties of our people and the permanence of their free institutions; and, at the same time, they contributed to make a deep and lasting impression upon the people of South Carolina, and greatly increased their efforts to disseminate correct information as to the nature of the evil, and the absolute necessity of averting it by the separate action of the state, if not done by the General Government, all hope of which was now wellnigh gone. The next annual message recurred to the same topics. "In my first message," said President Jackson, "I stated it to be my opinion that 'it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service.' I have had no cause to change that opinion, but much to confirm it." In another part of the same message he said, "Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the treasury after the national debt shall have been paid, among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvement. Although this plan has met with favour in some portions of the Union, it has also elicited objections, which merit deliberate consideration." These he proceeded to state and answer at great

length. It soon became apparent that systematic movements were making in the leading tariff states to enforce this policy by the weight of their influence. The governors of New-York and Pennsylvania followed with similar recommendations, and their respective legislatures adopted strong resolutions in favour of the scheme. The door of hope from without seemed to be wellnigh closed. Unless the state should interpose to avert this system by her separate action, it appeared inevitable that the tariff of 1828, that "bill of abominations," would be perpetuated in connexion with a distribution of the surplus revenue after the payment of the debt, with all of its dangerous and corrupting consequences. South Carolina did not hesitate in her choice between these alternatives. Everywhere the subject of state remedies was agitated, and the elections throughout the state turned upon that deeply-exciting and important question.

In the mean time, the personal relations between Mr. Calhoun and the President had been impaired by various causes, and in the spring of 1830 the difference became serious and the rupture complete. Separated as they now were upon great public questions, and alienated also by private differences, it is not surprising that the President should have directed the whole weight of his immense popularity against Mr. Calhoun; nor had the latter any resource in the opposition, who, separated from him in principle and policy, bore down upon him with their whole strength and influence. These things, of themselves, seemed to constitute difficulties of sufficient magnitude to overpower him. On the whole expanse of the wide American Continent, there were, perhaps, but two spirits that could have encountered them; and these, strangely enough, were the two individuals who were destined to conduct the two parties in the tremendous contest that was approaching. But, undaunted at the prospect, and strong not only in the consciousness of his intellectual resources, but also in that high resolve which springs from a deep sense of wrong, Mr. Calhoun fearlessly assumed the responsibility of the movement in the great issue which South Carolina was preparing to make with the General Government; and, in obedience to the calls on him from various quarters, he unhesitatingly avowed his opinions on the complex and difficult questions arising out of it. It would be difficult to imagine a situation of more peril, or a greater example of self-abandonment and moral intrepidity. He and the state now stood alone in open, bold, and undaunted resistance against the scheme of a permanent distribution of the surplus revenue, sustained by a perpetual protective tariff. They were assailed with equal fierceness by the administration and opposition parties, and they were deserted by all the Southern states, though most of them had adopted the strongest resolutions, declaring the tariff of '28 to be oppressive, unjust, unequal, and unconstitutional, and pledging themselves in the most positive manner to oppose it. Nothing but the deepest conviction of the truth and justice of their cause, and of the magnitude of the questions, could have sustained him under such difficulties, and in the face of so imposing a force.

He commenced the address containing the avowal of his opinion with a statement of his views on the question of the relation which the states bear to the General Government. After referring to the Virginia and Kentucky resolutions, the Virginia report and the decision of the Supreme Court of Pennsylvania in the case of *Cobbett*, as containing a summary of his opinion, he said, "As many might not have an opportunity to refer to them, and as different opinions might be entertained as to their meaning, he would, to avoid all ambiguity, and that his sentiments might be fully known, state his opinions of the doctrine which he believed they embraced." With these preliminary remarks, he proceeded to give, in the first place, a concise summary of the doctrines they embraced, and in the next, his impression of the character and tendency of these doctrines, followed up by a calm, lucid, and able array of reasons in support of his opinion; and, finally, brought the whole to bear on the protective system, and the

dangers to which it exposed our political institutions. He then showed that the period of the final payment of the debt was fast approaching, and that, if the threatened danger was not promptly met, the most disastrous consequences would follow; and, finally, if the government itself should fail to meet it, state interposition was the only adequate and constitutional remedy which could arrest it. The following extract from this manly and able document contains the doctrines of state interposition or nullification, with his impression of its character and tendency:

"The great and leading principle is, that the General Government emanated from the people of the several states, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each state is a party, in the character already described; and that the several states or parties have a right to judge of its infractions, and, in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia resolutions, '*to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.*' This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may, state-right, veto, nullification, or by any other name, I conceive to be the fundamental principle of our system, resting on facts historically as certain as our Revolution itself, and deductions as simple and demonstrative as that of any political or moral truth whatever; and I firmly believe that on its recognition depends the stability and safety of our political institutions.

"I am not ignorant that those opposed to the doctrine have always, now and formerly, regarded it in a very different light, as anarchical and revolutionary. Could I believe such in fact to be its tendency, to me it would be no recommendation. I yield to none, I trust, in a deep and sincere attachment to our political institutions, and the union of these states. I never breathed an opposite sentiment; but, on the contrary, I have ever considered them the great instrument of preserving our liberty, and promoting the happiness of ourselves and our posterity; and, next to these, I have ever held them most dear. Nearly half my life has passed in the service of the Union, and whatever public reputation I have acquired is indissolubly identified with it. To be too national has, indeed, been considered by many, even of my friends, to be my greatest political fault. With these strong feelings of attachment, I have examined, with the utmost care, the bearing of the doctrine in question; and so far from anarchical or revolutionary, I solemnly believe it to be the only solid foundation of our system and of the Union itself, and that the opposite doctrine, which denies to the states the right of protecting their several powers, and which would vest in the General Government (it matters not through what department) the right of determining, exclusively and finally, the powers delegated to it, is incompatible with the sovereignty of the states and of the Constitution itself, considered as the basis of a Federal Union. As strong as this language is, it is not stronger than that used by the illustrious Jefferson, who said, to give to the General Government the final and exclusive right to judge of its powers, is to make '*its discretion, and not the Constitution, the measure of its powers;*' and that '*in all cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.*' Language cannot be more explicit, nor can higher authority be adduced.

"That different opinions are entertained on this subject, I consider but as an additional evidence of the great diversity of the human intellect. Had not able, experienced, and patriotic individuals, for whom I have the highest respect, taken different views, I should have thought the right too clear to admit of doubt; but

I am taught by this, as well as by many similar instances, to treat with deference opinions differing from my own. The error may possibly be with me ; but, if so, I can only say, that after the most mature and conscientious examination, I have not been able to detect it. But with all proper deference, I must think that theirs is the error who deny what seems to be an essential attribute of the conceded sovereignty of the states, and who attribute to the General Government a right utterly incompatible with what all acknowledge to be its limited and restricted character ; an error originating principally, as I think, in not duly reflecting on the nature of our institutions, and on what constitutes the only rational object of all political constitutions."

The following are the three concluding paragraphs, which will exhibit the tone and feeling with which the address was written.

"In forming the opinions I have expressed, I have not been actuated by an unkind feeling to our manufacturing interest. I now am, and ever have been, decidedly friendly to them, though I cannot concur in all the measures which have been adopted to advance them. I believe considerations higher than any question of mere pecuniary interest forbid their use. But, subordinate to the higher views of policy, I regard the advancement of mechanical and chemical improvements in the arts with feelings little short of enthusiasm, not only as the prolific source of national and individual wealth, but as the great means of enlarging the domain of man over the material world, and thereby of laying the solid foundation of a highly-improved condition of society, morally and politically. I fear not that we shall extend our power too far over the great agents of nature ; but, on the contrary, I consider such enlargement of our power as tending more certainly and powerfully to better the condition of our race, than any one of the many powerful causes now operating to that result. With these impressions, I not only rejoice at the general progress of the arts in the world, but on their advancement in our own country ; and, as far as protection may be incidentally afforded in the fair and honest exercise of our constitutional powers, I think now, as I have always done, that sound policy, connected with the security, independence, and peace of the country, requires it should be ; but we cannot go a single step beyond without jeopardizing our peace, our harmony, and our liberty—considerations of infinitely more importance to us than any measure of mere policy can possibly be.

"In thus placing my opinion before the public, I have not been actuated by the expectation of changing the public sentiment. Such a motive on a question so long agitated, and so beset with feelings of prejudice and interest, would argue, on my part, an insufferable vanity, and a profound ignorance of the human heart. To avoid, as far as possible, the imputation of either, I have confined my statement on the many and important points on which I have been compelled to touch, to a simple declaration of my opinion, without advancing any other reasons to sustain them than what appeared to me to be indispensable to the full understanding of my views ; and if they should, on any point, be thought to be not clearly and explicitly developed, it will, I trust, be attributed to my solicitude to avoid the imputations to which I have alluded, and not from any desire to disguise my sentiments, nor the want of arguments and illustrations to maintain positions which so abound in both, that it would require a volume to do them anything like justice. I can only hope that truths which I feel assured are essentially connected with all we ought to hold most dear, may not be weakened in the public estimation by the imperfect manner in which I have been, by the object in view, compelled to present them.

"With every caution on my part, I dare not hope, in taking the step I have, to escape the imputation of improper motives, though I have, without reserve, freely expressed my opinions, not regarding whether they might or might not be popular. I have no reason to believe that they are such as will conciliate public favour, but the opposite, which I greatly regret, as I have ever placed a

high estimate on the good opinion of my fellow-citizens. But, be that as it may, I shall, at least, be sustained by feelings of conscious rectitude. I have formed my opinions after the most careful and deliberate examinations, with all the aids which my reason and experience could furnish ; I have expressed these honestly and fearlessly, regardless of their effects personally, which, however interesting to me individually, are of too little importance to be taken into the estimate, where the liberty and happiness of our country are so vitally involved."

He followed up, the next year, this statement of his opinion by a letter* addressed to General Hamilton, then governor of the state, at his request, in which he went into the same subjects more fully, and with additional force of argument and illustration. They both did much to enlighten the state on the subject discussed, and to sustain her in the arduous struggle into which she was preparing to enter.

In the mean time, the period selected for final and decisive action was rapidly approaching, and the excitement in the state became deeper and deeper. A strong party, under able leaders, had risen in the state against the course proposed to be taken. 'They admitted the tariff' to be unconstitutional and oppressive, but disagreed as to the remedy, which they regarded as revolutionary, and not warranted by the Constitution. They assumed the popular name of the Union party. The whole weight of the General Government was thrown in their favour. The two parties were drawn up in fierce array against each other, and every nerve was strained on each side to gain the ascendancy. The whole energy and talents of the state were aroused, and the people were incessantly addressed on both sides, through speeches, pamphlets, and newspapers, by the ablest men, in manly and eloquent arguments, making direct appeal to their understandings and patriotism, on all the questions involved in the issue.

At this stage, a gleam of light inspired the hope that the necessity of resorting to the extreme remedy of the Constitution would be unnecessary. President Jackson, in his message to Congress at the opening of the session in December, 1831, omitting for the first time all allusion to the scheme of distribution, announced the near approach of the period when the public debt would be finally paid, and recommended that provision should be made for the reduction of the duties and the relief of the people from unnecessary taxation, after the extinguishment of the debt. The message diffused general joy throughout the state. It was believed that the scheme of distribution was abandoned, and was hoped, late as it was, that most of the mischief anticipated from the surplus revenue, by a prompt and judicious reduction of the duties, might be still avoided. The delegation in Congress prepared to co-operate zealously with the friends of the administration in making such a reduction as would relieve the people from unnecessary taxation, and save the country and government from the worst of all evils, an accumulating and corrupting surplus, collected in bank notes, or, what was the same thing, bank credit.

But this gleam of sunshine proved transient and illusory. It soon became apparent that neither side, administration or opposition, contemplated anything like an adequate reduction. In spite of every effort made by the delegation, and after spending the greater portion of the session on the subject, an inconsiderable reduction of some three or four millions of dollars only was effected. This still left a revenue more than twice as large as the usual and necessary expenditure of the government would require after the payment of the debt, and the duties at high protective rates, on what were called the protected articles ; and as if, too, to extinguish all hope, this trifling reduction was announced by Mr. Clay on the part of the opposition, and the Secretary of the Treasury on that of the administration, as the final adjustment of the tariff, and the permanent system of revenue, after the payment of the debt. In a striking particular, the act making the reduction was even more unequal and worse than the tariff of '28.

* See "Speeches," &c., No. 4.

It exempted the manufacturing portion of the community almost literally from all taxes. It gave them a bounty on all they made by imposing duties on all similar articles imported, and all such as could come in competition with what they made, while it exempted them, as consumers, from paying taxes on almost all others, by admitting them duty free; so that, instead of abandoning the principle of protection, or guarding against the danger of a surplus, the act but perpetuated the protective policy, and left the country and the government exposed to all the evils of a large annual surplus.

Such an arrangement could not induce South Carolina to surrender the stand she had taken. On the contrary, it only aroused her to more active resistance, and energetic preparation to meet an issue, which now seemed almost inevitable. At this stage an incident occurred that tended greatly to confirm and animate her in her course.

From the commencement, the State Rights party had claimed the authority of the Virginia Resolutions, Mr. Madison's Report, and the Kentucky Resolutions, which they attributed to Mr. Jefferson, as sanctioning the doctrine of nullification and the course they proposed to take, while those who opposed denied that they authorized the interpretation put on them, or that Mr. Jefferson was the author of the Kentucky Resolutions. It became a point of great importance to establish which of the two were right. Both sides admitted the high authority of Mr. Jefferson, and that the report and resolutions contained the true political creed of the party. Mr. Ritchie, the experienced editor of the *Enquirer* and the associate of Mr. Jefferson, and most of the distinguished men who were his contemporaries in Virginia, was among the most influential of those who denied that these documents, or the opinions of Mr. Jefferson, authorized the doctrine of nullification. But, fortunately, the original manuscript of Mr. Jefferson, from which the Kentucky Resolutions were taken, was brought to light at this critical juncture, and left no doubt that Mr. Jefferson was their real author, and that he entertained the doctrines of nullification to the full extent, as interpreted by the State Rights party, which Mr. Ritchie had the candour to acknowledge, as the following extract from the *Enquirer* of March, 1832, shows.

From the *Richmond Enquirer*, March 13th.

MR. JEFFERSON THE AUTHOR OF THE KENTUCKY RESOLUTIONS.

"Nullification—An Error corrected.—We come before the public to correct an error into which we have betrayed them. Some of the politicians of South Carolina had maintained the opinion, that Mr. Jefferson was not only the friend, but the father of nullification; and their principal argument was, that he was the author of the Kentucky Resolutions of 1799, as well as those of 1798; and that in those of 1799 is to be found the memorable passage, 'The several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification by these sovereignties of all unauthorized acts, done under colour of that instrument, is the rightful remedy.'

"We had a great curiosity to ascertain the truth of this opinion. We hunted up all the facts that were within our reach, weighed them as impartially as we could, and we arrived at a different conclusion from that of the State Rights politicians of South Carolina. We expressed our opinions in the '*Enquirer*' of the 13th of September last.

"We have now to state our conviction that we were wrong, and the South Carolinians were right as to Mr. Jefferson's opinions. A small MS. book has been found among his papers, which, with other articles, contains two copies, in his own handwriting, that appear to have been the original of the Kentucky Resolutions. The first of these is blurred and much corrected, with passages struck out and others interlined. The other is a fair and later copy, judging from the

colour of the paper and of the ink, of Mr. J.'s draught. We are indebted to his grandson for the permission to examine these MSS., and compare them with the printed copies of the Kentucky Resolutions, and for the opportunity of correcting our own mistake, and of laying the following result before our readers."

Here follows Mr. Jefferson's original draught of the Kentucky Resolutions.

Never was a document more clear and explicit on any point than this in favour of the principles on which Carolina had placed her right to interpose. Words could not make it more so. It says expressly, "That in all cases of an abuse of delegated powers, the members of the General Government being chosen by the people, a change by the people would be the constitutional remedy; but *where powers are assumed which have not been delegated*, a NULLIFICATION of the act is the RIGHTFUL REMEDY that every state has a natural right to, in cases not in the compact (*casus non federis*), to nullify, of their own authority, all assumptions of powers within their limits; that without this right, they would be under the absolute and unlimited dominion of whoever might exercise this right of judgment for them; that, nevertheless, this Commonwealth (Kentucky), from motives of regard and respect for its co-states, has wished to communicate with them on the subject; that with them alone it proposes to communicate, they alone being parties to the compact, and solely authorized to judge, in the last resort, of the powers exercised under it—Congress being not a party, but merely the creature of the compact, and subject, as to its assumption of its powers, to the final judgment of those by whom, and for whose use, itself and its powers were created."

So fully does the above extract, and the whole draught, in fact, accord with the views taken by Mr. Calhoun in the statement of his opinion, and letter to General Hamilton, that, had it been possible for him to have had access to the manuscript, he might well have been suspected of plagiarism.

Supported by this high and explicit authority, the State Rights party moved forward with renovated energy and confidence in preparing for the great issue; but the difficulties were great. The Union party, thoroughly organized under able leaders, and animated by the greatest zeal, were supported not only by the whole influence of the General Government, but sustained and cheered by the concurring voice of both parties, and, it may almost be literally said, of the whole Union. Against this immense resistance, the State Rights party had to obtain a majority of two thirds of both houses of the Legislature to carry out its views, as, according to their opinion, the right of a state to declare an act of Congress unconstitutional, and therefore null and void, is derived from the fact that the Constitution is a compact to which the people of the states, in their sovereign capacity, are direct parties; and, of course, the right appertains to them in this capacity only, and can only be exercised by them, through a convention, in the same mode that the instrument was adopted, and not by the State Government. They regard the General and State Governments as co-ordinate governments, and the people of the states, severally, as the paramount sovereign authority. According to these views, in order to take the final step it would be necessary to call a convention of the people of the state; and for this purpose, by a provision of the Constitution of the state, two thirds of the Legislature were necessary; without that nothing could be done, and the cause would have to be abandoned. The election was pending, and the great struggle between the parties was, on one side, to carry two thirds of both houses, and on the other to defeat it. The magnitude of the issue was felt by both, and never was a political struggle more ardent; and, let it be added for the honour of both parties and the state, never before, in such a struggle, was the appeal more direct and solemn to the intelligence and patriotism of the people, and so free from all false issues, cant, or appeal to passion or prejudice.

It resulted in the triumph of the State Rights party. They returned more than the constitutional number to both houses. The Legislature met and called

a Convention, which assembled and passed the Ordinance of Nullification, the 24th of November, 1832, accompanied by two addresses ; one to the people of South Carolina, and the other to the people of their co-states of the Union, setting forth fully an explanation of the motives and principles which governed them as one of the parties to the constitutional compact, in the high and solemn act of sovereignty, which duty to themselves and to the Union compelled them to perform. They adjourned to meet in March, subsequent to the period at which, by the Constitution, the approaching session of Congress would terminate.

Congress met at the usual period, in December, and the President, in his Message, announced the final payment of the public debt, and recommended a reduction of the duties to the standard required for the revenue of the government economically and efficiently administered, to take place as soon as the faith of the government, and the preservation of the large capital invested in manufacturing establishments, would permit.

The time of Governor Hamilton having expired, General Hayne, then a senator in Congress, was elected his successor, and placed at the head of the government of the state at this momentous period. The proceedings of the Convention were reported to the Legislature, which met shortly after its adjournment, and an act introduced and passed to carry into effect the ordinance, to go into operation in February. That was followed by the proclamation of the President, which asserted that the ordinance was subversive of the Constitution, and that the object of South Carolina was the destruction of the Union ; and after giving his views of the Constitution, and the provisions of the existing laws applicable to the case, and declaring the course he would pursue, he warned all the people of the state against obedience to the ordinance, under the high penalty for treason against the United States. Governor Hayne issued his counter proclamation, repelling the charges of the President, and maintaining the grounds taken by the Convention, and replying to the reasons assigned for the grounds taken in the President's proclamation.

CHAPTER V.

Including the Period from his Resignation of the Vice-presidency till the Admission of Michigan into the Union.

AT this critical juncture, the Legislature elected Mr. Calhoun to fill the vacancy in the Senate occasioned by the election of General Hayne as governor. As trying as was the situation under such circumstances, he resigned without hesitation his place as Vice-president, and proceeded to Washington to take his seat in the Senate. Never was there, since the commencement of the government, a moment of more intense interest and anxiety throughout the whole Union, and never before was any public man placed in a situation more difficult and responsible. The expectation was general that he would be arrested as soon as he arrived in Washington ; and on his way thither, wherever he stopped, crowds collected to see him. Nor was the excitement less when he arrived at the seat of government, where he had been so long and familiarly known. When he appeared in the Senate to take his seat as a member in a body over which he had so long and recently presided, the gallery and chamber were thronged with spectators. He repeated the constitutional oath in a firm and audible voice, and took his seat on the side and in the midst of his old political friends, of whom a large majority were now placed in hostile array to him. But as trying and responsible as was the occasion, he stood erect and unappalled, conscious of the purity of his motives, and strong in the depth of his conviction of the truth, justice, constitutionality, and magnitude of the question

which South Carolina, in her confidence, had selected him as her chosen representative to defend.

Mr. Calhoun, a few days after he took his seat, in order to bring the whole subject under the early consideration of the Senate, offered a resolution, calling upon the President to lay before the body the ordinance and other documents connected with it, which had been transmitted to him by the executive of the state; but he forbore to press its adoption, on the statement of Mr. Grundy, that there was reason to believe the President was preparing a message on the subject, which would be accompanied by the documents requested, and that the message would probably be sent the day after the next. Not expecting anything of importance the next day, Mr. Calhoun delayed some time after the usual meeting of the body to take his seat. When he entered the chamber, he was surprised to find it crowded, and the Secretary of the Senate in the midst of reading the message, which he did not expect until the next day. It took strong ground against South Carolina, and recommended the adoption of the most decisive measures to coerce her obedience.

It was a trying moment. He had not the slightest anticipation that he would be called on to say anything when he entered the chamber, and was wholly unprepared; and, to add to his embarrassment, he had, for the long period of fifteen years (while he filled the war department and the place of Vice-president), been entirely out of the habit of public speaking. Nor could he avoid speaking, as it would look like shrinking not to give an immediate reply to the message. Under all these trying circumstances, he rose as soon as the reading was over, and replied, in a manly and effective speech, to the ground taken in the message. After he concluded, the message and documents were referred to the Committee on the Judiciary, of which Mr. Grundy was chairman and Mr. Webster a prominent member. They reported a bill, extending the jurisdiction of the courts of the United States greatly and beyond all former acts, and clothing the President with almost unlimited powers, both as to men and money.

In order to have a preliminary discussion, and to take the sense of the Senate on the principles involved in the issue, before the bill was called up, Mr. Calhoun prepared and moved the three following resolutions, which affirmed the grounds on which South Carolina placed her right, on the one side, and negatived, on the other, those assumed in the proclamation and message.

"Resolved, That the people of the several states composing these United States are united as parties to a constitutional compact, to which the people of each state acceded as a separate and sovereign community, each binding itself, by its own particular ratification; and that the Union, of which the said compact is the bond, is a Union *between the states* ratifying the same.

"Resolved, That the people of the several states, thus united by a constitutional compact, in forming that instrument, in creating a General Government to carry into effect the objects for which it was formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving, at the same time, each state to itself, the residuary mass of powers, to be exercised by its own separate government; and that, whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

"Resolved, That the assertions, that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people, or that they have ever been so united in any one stage of their political exist-

ence; or that the people of the several states comprising the Union have not, as members thereof, retained their sovereignty; or that the allegiance of their citizens has been transferred to the General Government; or that they have parted with the right of punishing treason through their respective state governments; or that they have not the right of judging, in the last resort, as to the extent of the powers reserved, and, of consequence, of those delegated, are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, deriving authority from such erroneous assumptions, must of necessity be unconstitutional; must tend directly and inevitably to subvert the sovereignty of the states, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

It is obvious, on the perusal, that if the principles offered by the resolutions be true, South Carolina would stand justified; and if those negatived be false, the bill could not be rightfully sustained; and such being the case, it was but fair that the principles should be settled prior to the discussion and action on the bill. But as reasonable as was the request of Mr. Calhoun, the Senate, under the influence of the committee, laid his resolutions on the table, and took up the bill for discussion. The debate was very able on both sides. Many of the old and sound Republicans, refusing to yield their long-cherished principles to party feelings or considerations, opposed the bill with great ability and vigour. Mr. Grundy, as chairman, claimed the right of closing the debate, and Mr. Calhoun reserved himself to reply to Mr. Webster, who was the great champion of the bill; but he was informed, through one of Mr. Webster's friends, that he would not speak before him. This left him no option, as he could not avoid speaking, and had therefore to submit. He spoke late,* and conjecturing that Mr. Webster intended to speak to the principles involved, and not to the provisions of the bill, he spoke at large on a variety of points, which he thought required explanation in connexion with the course of South Carolina, and but slightly touched on the principles which he had affirmed or negatived in his resolutions, in order to deprive Mr. Webster of the advantages he aimed at in reserving himself for the reply. He was right in his conjecture. The moment he sat down, Mr. Webster rose to reply, but spoke, as he anticipated, not on the bill, but to the resolutions, without assailing or controverting any of the positions taken by Mr. C. in his speech. This gave him a claim to be heard on his resolutions; and the Senate accordingly permitted him to call them up, and assigned a day in order to give him an opportunity of replying to Mr. Webster in their support.

When the day came the senate-chamber and gallery were crowded, and Mr. Calhoun replied in a speech† which, for precision and force of argument, has rarely, if ever, been equalled. The great point at issue was, whether the Constitution is or is not a compact between the States. Mr. Webster, with that strength of understanding which belongs to him, saw clearly where the real issue lay, and had the fairness and candour to concede that if, in fact, the Constitution is a compact between the States, then the doctrines contended for by South Carolina necessarily followed, nullification, secession, and all. Mr. Calhoun, accordingly, mainly directed his efforts to establishing the fact, and with such success, that even the North American Quarterly Review, published in Boston, and at all times the champion of the principles supported by Mr. Webster, in an article reviewing the debate, admitted that Mr. Calhoun had successfully maintained his ground on that point. Mr. Randolph, then in a feeble state of health, on his way to Philadelphia, was present in the senate-chamber, it is believed for the last time, when Mr. Calhoun spoke. He sat near the desk

* See "Speeches," &c., No. 5.

† See "Speeches," &c., No. 6.

where Mr. C. stood while addressing the Senate, and at the close openly and highly complimented him for the ability and success of his reply, which he regarded as unanswerable.

The bill passed, but while it was in progress, efforts were made in both Houses so to modify the duties as to terminate the controversy peaceably. Upon faith in these efforts, South Carolina postponed the time for carrying into effect her ordinance, from the first of February till after the adjournment of Congress on the fourth of March. Mr. Verplanck, in the early part of the session, had reported a bill in conformity with the message of the President at the opening of the session, proposing a very great reduction of the duties, but without surrendering the principle of protection, or, in many instances, reducing the duties to the revenue standard. Its progress was slow. It was detained a long time in committee of the whole, where many amendments, increasing the duties, were made. After it was reported to the House, it continued to drag along with difficulty. Many of the objectionable amendments made in the committee of the whole were concurred in, and the fate of the bill still continued doubtful, notwithstanding the steady and united support which it received from the State Rights party, objectionable as it was in many particulars. Their support was more than counterbalanced by the division in the ranks of the administration party.

In the mean time, Mr. Clay introduced a bill in the Senate, which received the sanction of that body, and was sent to the House, where Mr. Verplanck's bill still lingered near the end of the session. It was moved as a substitute to his bill, and carried by a large majority; Mr. Verplanck himself, and the leading friends of the administration who supported his bill, voting for it in despair, as it is believed, of the passage of his own. It received the sanction of the President, and has since been called the *Compromise Act*; and thus terminated this controversy, the most agitating and memorable that ever occurred under the government.

It is not deemed necessary to go into the origin or history of the act, or minutely into its provisions. The former have been given several times by Mr. Clay and Mr. Calhoun in their places in the Senate, and are generally known. It is sufficient to say that Mr. Calhoun, from the commencement, refused to go into any arrangement which did not explicitly surrender the principle of protection, but was willing to allow ample time for the gradual reduction of the duties on the protected articles, in order to save the manufacturers from ruin; but he insisted on a total repeal at once on all unprotected articles, in order to prevent, if possible, the great object of his dread from the first, a surplus revenue. Mr. Clay was, of course, on his part, solicitous, in making the changes necessary to a compromise, to give as slight a shock as possible to his long-cherished system. The result was the surrender of the protective principle and the establishment of the *ad valorem*, and a gradual reduction of duties on all protected articles, to terminate on the thirtieth of June, 1842, when no duty above 20 per cent. *ad valorem* should be laid; the immediate repeal of all duties on articles not similar to those manufactured in the country, and a moderate list of articles to be made permanently free of duty after the thirtieth of June, 1842, with provisions for cash duties and home valuation. Such are the general outlines of the provisions of the act which peaceably closed the controversy; and if faith and pledges had been observed with as much fidelity on the side of the tariff interest as it has been on the part of the opposite side, the possibility of its renewal would have forever been prevented.

Whatever opinion may have been entertained at one time of the views and motives of Mr. Calhoun, and the small but gallant party with which he acted, none now, not even the most prejudiced, doubts the purity and patriotism of his and their motives, however much they may differ from them as to principles and policy. So far from hostility to the Union, one of the leading objects was its

preservation. The Union may be destroyed as well by *consolidation* as by *dissolution*—by the centripetal as well as the centrifugal tendency of the bodies of which it is composed. It is the duty of the patriot to resist both, and hold the government firmly to its allotted sphere. Against the former, state interposition is an all-sufficient remedy, and it remains to be seen whether experience will not prove that it is an indispensable one. It was, at least, so considered by the State of South Carolina, and that was one of the principal motives for resorting to it. Nor does it admit of a doubt but that her action did much to counteract the consolidating tendency of the Government. Had she not taken the stand she did, in all probability the distribution of the surplus revenue among the states and the protective policy would have become the established system of the Government. The scheme of distribution is almost a necessary consequence of that policy. They are most intimately connected, as the experience of the last few years shows, even with an empty treasury. With one full to overflowing, as was the case when the debt was paid and the state interposed, it was almost, if not altogether unavoidable, without state interposition. That the protective tariff would not have been overthrown without it, the inconsiderable reduction of 1832, and the fate of Mr. Verplanck's bill, notwithstanding all the pressing circumstances under which it was introduced and attempted to be passed, conclusively prove; and that it could not have been overthrown if the two, distribution and protection, had become united, may be fairly inferred. They would then have been beyond the reach of all ordinary and constitutional remedies, when either consolidation or despotism would have been the end of our political system.

But how different now is the situation of the government and the country in consequence of the course pursued. When the state first took its stand, the very existence of states' rights was almost forgotten in the Union. The party had greatly departed from the old standard of its faith both in theory and practice, and had imperceptibly embraced, to a great extent, the doctrines and policy of its opponents. If proof be required, the proclamation, the message recommending the Force Bill, the bill itself, and the arguments by which it was supported, afford conclusive evidence. That a great and cheering change has since taken place, all must admit; and that it may be attributed, in a great measure, to say the least, to the stand taken by South Carolina, cannot well be doubted.

It was expected that, among its other benefits, it had put an end forever to the protective policy, but the act of the last session has proved to the contrary. It is, however, to be hoped that the wound it has received will yet prove to be its death-blow, and that the act of the last session will be but a last spasmodic struggle preceding its final dissolution. Great has been the progress of truth in reference to this policy, both as to its character and operation, since the stand taken by South Carolina. That it is unjust, unequal, oppressive, and unconstitutional, the great body of the Democratic party are now agreed, and, being agreed, they can never cease their determined resistance to it until it is finally overthrown, without (what cannot be anticipated) an abandonment of their political faith.

Such is a sketch of this important part of Mr. Calhoun's public life. As long as it is, not a word has been added which was not regarded as necessary to a just understanding of his motives and conduct, in the most trying scene through which it has been his fortune to pass.

Congress adjourned on the third of March, and he proceeded by public conveyance to Columbia to meet the Convention, which was to reassemble in a few days. The spring was unusually cold and backward. The snow lay several inches deep on the ground, and the Potomac was frozen. He took the stage at Alexandria, but the roads were so broken up in consequence of the frost that he had to take open mail-carts, in which he rode night and day without stopping, for a considerable portion of the way, in order to reach Columbia in time. He found the members of the Convention assembled. Knowing how

firm and resolved the state was to maintain its rights, he anticipated some dissatisfaction at the compromise, which had induced him to proceed with the speed which he used. He was not mistaken; but, on explaining fully what had been done, and the reasons on which he and his colleague had acted, the Convention readily acquiesced in the adjustment. Let it be added, in conclusion, that the earliest opportunity was seized by both parties in the state, at the next session of the Legislature, after the closing of the controversy with the General Government, to meet like friends, and agree to disband their party organization, and forget their past differences, which both sides, to their lasting honour, have faithfully and honestly observed. The consequence of so patriotic and magnanimous a course has been a degree of harmony and unanimity in the state ever since, without example in any other member of the Confederacy.

This great subject of controversy was thus happily closed in the Union and the State of South Carolina; but the recess between the last and the next session was not permitted to pass without giving birth to another question of deep and abiding excitement: the withholding of the deposits of the public money from the Bank of the United States, and their transfer, by the authority of the President, to certain state banks, selected for the purpose. To effect his object, he had removed Mr. Duane for declining to comply with his order, and appointed Mr. Taney Secretary of the Treasury in his place, in order to have it executed. The bank was made by its charter the fiscal agent of the government for the collection, distribution, and safe keeping of the public funds, unless otherwise ordered by the Secretary of the Treasury, and in that case it was provided he should report to Congress, if in session, immediately, and if not, at the commencement of the next session, his reasons for so doing. For that and other privileges, the bank paid a bonus for the charter of one million five hundred thousand dollars. The President communicated the fact of the removal of the deposits in his message at the opening of the next session, with his reasons, which were repeated and enlarged on by the Secretary of the Treasury in his Annual Report.

The subject gave rise to a long and animated discussion between the two great parties, both as to the right and expediency of the measure. Mr. Calhoun was not regarded as attached to either, and much interest was felt in the course he might take. He spoke first, and in a speech* distinguished for its ability, admitted the right of the President to remove his secretary, though he regarded it, under the circumstances, an abuse of power; but denied not only the right of the secretary to withhold the deposits so long as the funds were safe and the bank performed faithfully its duties as a fiscal agent, but also the expediency of the act. But he did not confine himself to these points. He saw, at that early period, the radical defects of the banking system, and he resolved, though he disapproved of the act of the executive, that his position should not hereafter be mistaken as that of a partisan of the bank or the banking system. With that view, after discussing the questions immediately connected with the withholding of the deposits, and some other intermediate ones, he added:

"Nor is it more true that the real question is 'Bank or no Bank.' Taking the deposite question in the broadest sense; suppose, as it is contended by the friends of the administration, that it involves the question of the renewal of the charter, and, consequently, the existence of the bank itself, still the banking system would stand almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide Republic, and on the ruins of the United States Bank many would rise to be added to the present list. Under this aspect of the subject, the only possible question that would be presented for consideration would be, Whether the banking system was more safe, more beneficial, or more constitutional with or without the United States Bank?"

* See "Speeches," &c., No. 7.

"If," said Mr. C., "this was a question of 'Bank or no Bank'—if it involved the existence of the banking system, it would, indeed, be a great question—one of the first magnitude; and, with my present impression, long entertained and daily increasing, I would hesitate—long hesitate—before I would be found under the banner of the system. I have great doubts, if doubts they may be called, as to the soundness and tendency of the whole system, in all its modifications. I have great fears that it will be found hostile to liberty and the advance of civilization—fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth—a question least explored, and the most important of any in the whole range of political economy—the banking institution has, if not the greatest, one of the greatest, and, I fear, most pernicious influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, as great as it might be, of freely and fully offering my sentiments on these deeply-important points; but as it is, I must content myself with the few remarks which I have thrown out."

"What, then, is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government; a struggle, not in relation to the existence of the Bank, but whether Congress or the President should have the power to create a bank, and, through it, the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association, vivified and sustained by receiving the deposits of the public money, and having their notes converted, by being received everywhere by the treasury, into the common currency of the country, is, to all intents and purposes, a bank of the United States—the executive bank of the United States, as distinguished from that of Congress. However it might fail to perform satisfactorily the useful functions of the Bank of the United States, as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with it the entire money power, for the purpose of speculation, speculation, and corruption, would be placed under the control of the executive. A system of menaces and promises will be established: of menace to the banks in possession of the deposits, but which might not be entirely subservient to executive views, and of promise of future favours to those who may not as yet enjoy its favours. Between the two, the banks would be left without honour or honesty, and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country."

Again: "So long as the question is one between a bank of the United States incorporated by Congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step farther: you must *divorce the government and the bank*. You must refuse all connexion with banks. You must neither receive, nor pay away bank-notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank-notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors, you have a right to create a bank. Whatever the government receives and treats as money, is money in effect; and if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are bound by high obligation to adopt the most efficient means, according to the nature of that which they have recognised as money, to give it the utmost stability and uniformity of value. And if it be in the shape of bank-notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uni-

formity to the value of bank-notes—so long as you receive them in your dues, and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative, I repeat; you must *divorce the government entirely from the banking system*, or, if not, you are bound to incorporate a bank, as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposits not be restored, and the present illegal and unconstitutional connexion between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin.”

Again: “Were I,” said Mr. C., “to select the case best calculated to illustrate the necessity of resisting usurpation at the very commencement, and to prove how difficult it is to resist it in any subsequent stage if not met at first, I would select this very case. What, he asked, is the cause of the present usurpation of power on the part of the executive? what the motive? the temptation which has induced it to seize on the deposits? What, but the large surplus revenue? the eight or ten millions in the public treasury beyond the wants of the government? And what has put so large an amount of money in the treasury when not needed? I answer, the protective system: that system which graduated the duties, not in reference to the wants of the government, but in reference to the importunities and demands of the manufacturers, and which poured millions of dollars into the treasury beyond the most profuse demands, and even the extravagance of the government—taken—unlawfully taken—from the pockets of those who honestly made it. I hold that those who make are entitled to what they make against all the world except the government, and against it except to the extent of its legitimate and constitutional wants; and that for the government to take one cent more is robbery. In violation of this sacred principle, *Congress first* removed the money by high duties, unjustly and unconstitutionally imposed, from the pockets of those who made it, where it was rightfully placed by all laws, human and divine, into the treasury. The executive, in his turn, following the example, has taken them from that deposit, and distributed them among favourite and partisan banks. The means used have been the same in both cases. The Constitution gives to Congress the power to lay duties, with a view to revenue. This power, without regarding the object for which it was intended, forgetting that it was a great trust power, necessarily limited, by the very nature of such powers, to the subject and the object of the trust, was perverted to a use never intended, that of protecting the industry of one portion of the country at the expense of another; and, under this false interpretation, the money was transferred from its natural and just deposit, the pockets of those who made it, into the public treasury, as I have stated. In this, too, the executive followed the example of Congress. By the magic construction of a few simple words—‘unless otherwise ordered’—intended to confer on the Secretary of the Treasury a limited power—to give additional security to the public deposits, he has, in like manner, perverted this power, and made it the instrument, by similar sophistry, of drawing the money from the treasury, and bestowing it, as I have stated, on favourite and partisan banks. Would to God, said Mr. C., would to God I could reverse the whole of this nefarious operation, and terminate the controversy by returning the money to the pockets of the honest and industrious citizens, by the sweat of whose brows it was made, with whom only it can be rightfully deposited. But as this cannot be done, I must content myself by giving a vote to return it to the public treasury, where it was ordered to be deposited by an act of the Legislature.”

These extracts contain an explanation, not only of Mr. Calhoun's views of the banking system at the time, but also of those which have governed his after

course in reference to the banks, and most of the prominent questions since agitated. He believed that there was, at the time, a strong tendency in all the departments of the government to usurp power, and that it originated with Congress. It is, indeed, a settled opinion with him, which he has long entertained, and the reasons for which he recently explained in his speech on the veto, that usurpations in the Federal Government almost necessarily originate with Congress; but that the powers which it gains by usurping those of the states or people, adds, not to its strength, but to that of the other departments, and especially of the executive, in whose hands it becomes the means of usurping in turn the powers of Congress, and controlling its proceedings. He accordingly attributed the great power and influence of the executive at this time, and its tendency to encroachment, to the previous encroachments of Congress, especially in passing the tariff of '28. That having been prostrated by the interposition of the State of South Carolina and the Compromise Act at the last session, he next turned his efforts to arresting, what he believed to be its natural consequence, the encroachments of the executive; and was thus, and to that extent, brought for the time to act with the opposition party, then called National Republicans. But he occupied throughout his own independent State Rights ground and principles, from which he in no instance departed. Wherever they led, he followed, without regarding whether they brought him to co-operate with the opposition or administration, or left him alone in the Senate to maintain and defend his own separate and peculiar position.

His course in the very case under consideration strikingly illustrates these remarks. He essentially differed on this important occasion from both of the great parties, administration and opposition. The former was in favour of the league of state banks as the fiscal agents and depositaries of the Government, and opposed both to a national bank and the divorce of government from the banks. The latter, on the contrary, were in favour of a national bank, and opposed to the league of banks and the divorce; while Mr. Calhoun and the State Rights party were in favour of the divorce, or what has since been called the Independent Treasury, and opposed to a national bank, and any connexion with the banking system in any way. It was in conformity to these views, and after consulting Mr. Calhoun and the prominent members of the party, that General Gordon, then a distinguished representative from Virginia, introduced at the time a bill to establish the Independent Treasury. It failed. The public mind was not then prepared; but to him will belong the lasting honour of introducing one of the most important measures of modern times.

The removal of the deposits was not the only question of importance which was agitated during the session. Among others, the motion of Mr. Webster, who was then chairman of the Committee on Finance, for leave to bring in a bill to recharter the Bank of the United States for six years, gave rise to an interesting discussion. Mr. Calhoun seized the opportunity, not to discuss the question of renewal, but that of the currency generally, which he showed, even then, to be deeply diseased, and to warn the Government and country of the approach of the catastrophe which has since befallen them. He pointed out the cause and character of the disease, and the remedy that should be adopted to prevent, if possible, the approaching shock, or at least to lessen its violence. His speech* on the occasion is one of the ablest and most remarkable for its forecast he ever made. It is prophetic throughout, and was pronounced by one of the senators, himself a speaker of distinguished abilities and long experience, the ablest he ever heard. To appreciate its merits, it must be read.

Upon this occasion he exhibited, in a remarkable degree, that statesmanlike faculty which has enabled him to do so much to direct events, by always taking the nearest practicable step towards his object, instead of refusing to do anything unless he could effect what was the best in the abstract. The great ends in his system of life, whether public or private, he has ever held to be fixed by reason and

* See "Speeches," &c., No. 8.

general rules ; but the time and mode of attaining them he regarded as questions of expediency, to be determined by the circumstances under which he is called to act. If things are now wrong, he who refuses to make any change for the better because he cannot obtain at once what he believes to be best in the abstract, is responsible for them as they exist, and should be classed rather with those who sustain the present wrongs than with those who pursue the right ; for in practice, the effects of their action are the same ; and yet he who makes the nearest attainable approach to the right is too often confounded with those who maintain the wrong, and postponed for others who, content to think correctly, are yet too timid to act if there be danger of misconstruction, and really contribute to the continuance of that which they condemn. This is a species of fear which Mr. Calhoun has never known. Seeing clearly his own ends, which have been long fixed by observation and reflection, he judges, with a rare sagacity, of the nearest practicable approach which can be made to them under the circumstances, and advances forward to the boundaries assigned by prudence without fear of the enemy, and halts when he has taken as much ground as he can occupy, without regard to the remonstrances of his followers, who take their counsels merely from zeal, and do not properly ascertain the limits upon human power, and the controlling force of events. It is thus that he is ever in progress ; and although generally in advance of his party and the world, in a long life he has never been forced to abandon any forward movement, or recede from his end. He uses time to control circumstances, and directs them both to his great object, which he is ever on the march sooner or later to attain. This it is which makes him the master-statesman of his age, and thus he has been able to accomplish so much with such inconsiderable means.

Upon the occasion to which we now refer, he exhibited this statesmanlike mode of thinking and acting in a remarkable degree. He sought no trial of skill in oratory where victories were to be barren of results to the country. He avoided all those topics of personal or party excitement, whose fleeting interest belonged to the time and not to the case ; but, looking to the exigencies of the country, and not to the mere feelings of the day, he surveyed the whole ground with military precision, and made a masterly reconnaissance of the field. As abstract questions, he did not enter into the nature of the banking system, or its constitutional propriety. In discussing the disease, it was necessary to touch slightly upon the tendencies of the banking system ; and these touches, like the line of Apelles, showed the master's hand, and his thorough acquaintance with the subject. He traced clearly the deep seat of the malady, and developed its probable progress and consequences unless corrected. He then addressed himself to the discovery of some remedy, which should be both safe and efficient. With the propriety and constitutionality of the banking system as abstract questions he had nothing to do, and upon them he only touched so far as they bore upon the remedy which he had in view. Banks were in existence, and through them the currency was indisputably deeply diseased. There was not the least probability of any successful effort to force the Government to abandon the use of paper. He contented himself, therefore, with showing that, if the Government could use paper, it could also regulate its value ; and the question was to ascertain the best means of reaching that object. He proposed a continuance of the bank for twelve years, under severe restrictions, and upon conditions which would gradually diminish the volume of paper currency, so as to enable the Government, at the end of that period, to dispense with its use altogether, if it should choose to do so, without any shock to the community. In this point of view, it was of no importance whether the original charter was constitutional or not. Suppose it to be unconstitutional, it was a question whether we would rid ourselves of the evil gradually, and without injury to the community, or whether we should repeal it at once, at the sacrifice of all of its immense connected interests, and send the whole toppling down the abyss together. He thought there was a great difference between doing and undoing ; and while he

would never originate what he believed to be unauthorized by the Constitution, he would take his own time for repairing the breaches already made in it, and so conduct the process as to produce the least possible amount of suffering in the country. It was thus that he agreed to compromise an unconstitutional tariff by allowing time, so as to save vast and meritorious interests which were connected with it; and thus, too, he now sought (to use his own words) to "unbank the banks." Here, too, he exhibited an instance of that cautious process by which all real statesmen conduct their reforms, and proved his aversion to hazarding the vast interests of a community by any sudden change which was not justified by experience, but suggested only by theoretic opinions. It was clearly seen, both in this and his preceding speeches, that he disapproved the banking system, and saw, as far as mere reason without experience could point, that its tendencies were evil; and yet he forbore to strike at it until there was time to verify his reflection by experience, and the period should arrive when an effectual blow might be given. If the system were good, it was clear to him that it required severe restrictions and judicious regulation; if evil, he was equally decided that it ought to be removed gradually, so as to produce the least shock to the community. In either point of view, his course of conduct would be the same up to a certain period, to which he limited his prescription. The question of his future action he reserved for the time itself, to be determined by the lights of a more matured experience. It was not his object to amuse theorists or gratify a mere taste for speculation, but he sought a practical remedy for a disease under which the community was likely to suffer most intensely. As his suggestions were not taken, we can come to no certain conclusion as to what they would have led, but posterity will form its opinion as to their probable result. Of this, however, we feel assured, that the speech will always be considered as most remarkable for its political forecast.

So deeply was he impressed with the approaching danger, that when he understood Mr. Webster contemplated making the motion he afterward made, to renew the charter, he sent word through a friend of his, who had called on him, that he feared he was about to make a false move, and said that, although he and Mr. Webster were scarcely on speaking terms, in consequence of the occurrences of the last session, he would be glad to have a full conversation with him before he made his motion, if he would give him an opportunity by calling on him. The next morning he called. Mr. Calhoun stated his objection to the course he proposed, and what he thought ought to be done. Mr. Webster took time before he gave an answer, but informed Mr. Calhoun, when he called next day to learn his decision, that he concluded not to change his course. Mr. Calhoun expressed his regret, and on being asked by Mr. Webster whether he would oppose his motion, he replied no; but added that he believed the government and country were approaching a period of great peril, and that he felt that it would be due both to the public and himself to embrace the occasion to state at large the opinions and views he had expressed to him. He, in fact, regarded it as the critical moment; and when he saw that it was permitted to pass without doing anything to prevent the disorder into which the currency was falling, he made up his mind that what has since followed was inevitable.

In this connexion, and governed by the same views, he gave a decided support to what is called the Gold Bill, which raised the relative value of gold compared to silver, and the establishment of the branch mints, both of which he regarded as intimately connected with a return to a permanent and sound currency. The administration favoured both measures, and Mr. Clay opposed them. The discussion on both was conducted principally by him and Mr. Calhoun.

The proceedings of the Senate on the removal of the deposits was followed by the President's protest, which gave rise to a full and animated discussion in the Senate. Mr. Calhoun took decided ground against its reception. In the course of his argument, he maintained the position that the Constitution vests all

discretionary powers in Congress, to the exclusion of the executive and judiciary departments; and that neither of them, nor any office under the government, can exercise any power not authorized by law, but such as is expressly granted by the Constitution. To sustain this important position, he cited the provision in the Constitution which gives to Congress the power "to pass all laws necessary and proper for carrying into execution the foregoing" (that is, the powers granted to Congress), "*and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.*" The provision is express, and the position incontrovertible; and yet, strange as it may seem, it had been theretofore entirely overlooked, although it is one of the most important provisions in the whole instrument. It is the provision, in fact, which binds up all the parts in one, making of them one government, instead of consisting, as they would without it, of three hostile departments, each with the authority to assume whatever right it might think proper to carry into execution its share of the granted powers. One of the important consequences of this provision of the Constitution is to subject the removing power to the regulation of law. The mere fact that the power of removing from office is *not granted* by the Constitution to the President, is conclusive proof that it can only be exercised by the authority of law, and, of course, subject to such limitation as it may impose. It was, indeed, an investigation into the origin of that power which led Mr. Calhoun to the examination of the Constitution, which ended in making this important disclosure, as it may fairly be termed.

At the next session a special committee of nine members was, on motion of Mr. Calhoun, raised, in order to inquire into the extent of the executive patronage, the cause of its great increase of late, and the expediency and practicability of reducing the same, and the means of doing it. After a minute and laborious investigation, he made a full and able report* on all the points, of which 10,000 copies were ordered to be printed by the Senate.

One of the leading objects which he had in view was to strike at the surplus revenue. He anticipated it would be large, although the Compromise Act had repealed the duties on more than one half of the imports. But even that, aided by the gradual reduction on all the residue, could not prevent the accumulation. He dreaded it, not only because it would add greatly to the patronage of the executive by extending its control over the banks, and, through them, over the whole community, but still more because it would be the source of boundless speculation and corruption. To ascertain its probable extent, he entered into a minute examination of the finances, and after exploring the whole ground, he estimated the surplus at an average of not less than nine millions of dollars annually for the whole period the Compromise Act had to run. As moderate as his estimate proved to be, it was violently assailed, at the time, for its supposed extravagance.

But time rolled on, and at the opening of the next session, his estimate, instead of proving extravagant, fell short of the actual amount by millions, and that with a surplus daily increasing with an accelerated velocity, under a new impulse, which was swelling it beyond all assignable limits. Here a brief explanation is necessary, in order to have a just conception of the danger to which the government and country were exposed at this period.

The tariff of 1828 gave the first impulse to that great expansion of the currency, which, under the influence of different causes, both foreign and domestic, was still on the increase, and continued so till just before the final explosion in 1837. So powerful was the first impulse, from the high duties imposed in 1828, that the currency was doubled, in the manufacturing portions of the Union, in eighteen months from the passage of the act. On the accumulation of the surplus revenue from the same cause, after the payment of the public debt, a new impulse was given to the expansion. The surplus was deposited with the banks, and became, in fact, so much additional bank capital, in the least responsible and

* See "Speeches," &c., No. 10.

most dangerous form. This, with other causes, and especially the withdrawal of the deposits from the United States Bank, and the approaching termination of its charter, gave a great additional impulse to the whole system. State banks were multiplied in all directions, with but little capital, and charters less guarded than ever. All these concurring causes tended greatly to increase the expansion, and, by necessary consequence, to produce a corresponding augmentation of prices, to which, however, there was an important exception. The price of all public lands which had been offered at public sales and not sold, was fixed by law at \$1.25 per acre, and could not, of course, partake of the general rise. The quantity of such lands was great, not less, probably, than two hundred millions of acres, and thus a universal spirit of speculation, engendered by an inflated currency and high duties, was turned in that direction.

The facility of purchasing was not less than the quantity to be purchased. The deposits of the government in the state banks selected as its fiscal agents was upward of forty millions of dollars, consisting almost exclusively of bank-notes. From this vast source speculators and political partisans drew their funds, in the form of discount or loan, in exchange for which they gave their own promissory notes, and received the notes deposited by the government, or, what was the same, a credit in bank founded on them. These, in turn, were exchanged for the public lands, when they passed into the hands of the receivers, and were by them returned to the banks as new deposits, to take the same rapid round again and again, and sweeping away from the people, by means of their own funds, a corresponding amount of their land, and swelling, in the same proportion, the amount brought to the credit of the government by the banks, under the fallacious name of public money in the treasury, but which, in reality, was nothing more than the notes in bank given by speculators and partisans in exchange for the public lands.

In this operation every revolution but increased the force of the next, which, if left to operate unchecked, must end, as was manifest, in the entire absorption of the public domain and the universal explosion of the banking system, with the ultimate loss of what was due to the Government. It was about the time when these powerful causes began to operate with such effect as to be seen and felt by all, that the administration obtained a majority in the Senate, where it had for some time been in a minority; on which Mr. Calhoun, who had moved, as has been stated, at the preceding session, in anticipation of the danger, rose in his place and said, that, as the friends of the administration were now in a majority, he left it to them to take the lead in providing a remedy for this alarming state of things.

All now felt that something must be done, and that promptly, to regulate and control the deposit banks, and to save the public funds and the national domain. Three remedies were proposed. The first was, to absorb the current revenue and the vast surplus already accumulated by the increase of the public expenditures; and, with that view, a resolution was actually introduced in the Senate and passed, calling on the executive to know how much could possibly be spent on military defences. The next was to vest what was not needed to meet the current expenses of the government in state stocks; and the other, to pass an act regulating and controlling the deposit banks, and to place the surplus in deposit in the treasury of the several states. The first two came from the friends of the administration, and the last was proposed by Mr. Calhoun as an amendment to the second.

It was the choice of evils. Something must be done. Anything was better than the continuance of the actual state of things. This all acknowledged. The objection to the first was great. So sudden and great an increase of expenditures when prices were so extravagant, and when, without a vast enlargement of the disbursing departments, there could be no efficient accountability, could not but end in much waste, loss, extravagance, and corruption, to say no-

thing of the great increase of patronage. But the great and decisive objection was, that expenditures sufficiently large to absorb the surplus would necessarily destroy, in their effects, the Compromise Act, and restore the protective system. It is easy to raise the expenditures, but very difficult to reduce them, of which the experience of the last five or six years affords abundant proof. The revenue at the time, though far beyond the wants of the government, was in the regular course of reduction under the compromise, which would, in the course of six years, bring it down to a sum only sufficient for the support of the Government with rigid economy. To have raised the expenditures sufficiently high to absorb the surplus, under such circumstances, would have required an unusual disbursement of between thirty and forty millions of dollars for the whole period, as experience has shown; and, of course, a sudden reduction of nearly twenty millions, to bring down the expenditures to what, with proper management, would be necessary. So great and sudden a reduction would prove impracticable, and the certain result would be loans, debts, the violation of the compromise, and a renewal of the protective system. All this was urged against the scheme by Mr. Calhoun at the time. It was defeated, at least in a great degree; and it may well be asked, after the experience of the last two years, what would have been the consequences if it had not been, when even its partial effects have brought on the Government and country, to the extent they have, the very evils then anticipated by him.

The objection to vesting the surplus in state stocks was not less serious. Among so many other mischievous consequences, it would have been grossly partial; but the insurmountable objection was the danger of entangling the Government with the state stocks.

This scheme was in substance as much a deposit of the surplus revenue with the states as that proposed by Mr. Calhoun as an amendment to it. The latter placed the money with the states upon their promise to return it, if the General Government should require it, while the former exchanged the surplus for the obligations, by which the states, in another form, were bound to repay it; so that each scheme proposed to exchange the surplus for state credit in some form. With state stocks depreciating as they have since done, it would have been as unpopular and impossible to have used any means to recover the money by selling them, as it would have been to have recalled it directly from the states themselves. The difference was, that Mr. Calhoun's scheme bestowed upon the states all the patronage resulting from the use of the money, while the other gave it to the Secretary of the Treasury, in whom it vested an almost unlimited discretion, and to whom it gave the dangerous power of dealing in those stocks to large amounts. That this plan would have resulted in the entire loss of the money, with little or no benefit to the states, we may see from our past experience. The immense increase of executive patronage to which it would have led may also be estimated. But the endless train of mischiefs which would have followed in some of its remote consequences it would be difficult to measure, as we may readily perceive, when we come to consider the use which might have been made of such a power in the federal executive by those who have conceived the monstrous scheme of assuming the state debts. Indeed, the existence of such a power would naturally seem to suggest such a use of it, with the ideas now prevalent in the minds of many of our public men on the subject of state-indebtedness.

Nor was the last of the alternatives free from serious objections; but, under all circumstances, it was thought to be the least so by Congress, and it accordingly passed through both houses by a large majority. Mr. Calhoun made a very comprehensive and able speech against the first two, and explained his views of the substitute he offered.

This was not the only important measure that claimed his attention during the session. In the preceding recess the Abolitionists had for the first time

regularly organized as a party, with a powerful press, and attempted, by systematic operations, to force its publications on the South, with a view of acting on its slave population. It carried deep excitement throughout that entire section. Everywhere meetings were held and the attempt denounced, and the other sections called upon to adopt measures to stay the evil. The President, in his message at the opening of the session, called the attention of Congress to the subject, and recommended the adoption of efficient measures to prevent the circulation of their incendiary publications through the mail. Mr. Calhoun, although he appreciated and highly approved the patriotic motives of the President, could not agree with him to the full extent of his recommendation. He saw the danger of permitting Congress to assume the right of judging of what constituted an incendiary publication; for if it be conceded that it has the right of determining what is incendiary, and to prevent its circulation, it would, by necessary consequence, carry with it the right of determining what was not, and to enforce its circulation against the laws of such states as might prohibit them. With this impression, and in order to prevent the adoption of erroneous views, at the outset, on a subject so vitally important to the slave-holding states, he moved the reference of the portion of the message containing the recommendation to a special committee, of which he was appointed chairman.

The report* he made took a very original and able survey of the whole ground, and conclusively proved, both by arguments drawn from the Constitution and the practice of the Government, that it belonged to the states separately to determine what is or is not calculated to affect or disturb its internal police, including its peace and safety, and to adopt the measures necessary for their security; and that it was the duty of the General Government not only to conform its acts, in reference to the mail or for the regulation of commerce, to the legislation of the states in such cases, but to aid in the execution of the laws of the states, as far as its power would permit, when it became necessary. The report was accompanied by a bill, drawn up in conformity with these views, and was ordered to the third reading by the casting vote of the Vice-president, but finally failed.

This bill gave rise in the Senate to a very animated and interesting debate, principally between Mr. Calhoun and Mr. Davis of Massachusetts, in which the arguments for and against are strongly presented on both sides. For original views of the Constitution and strength of argument, Mr. Calhoun's speech† on the occasion ranks with his ablest, and is worthy of the study of all who desire to understand some of the most important provisions of that instrument.

During the same session he made another speech‡ on the same subject, distinguished for its foresight and knowledge of the Constitution. For the first time there began to pour in that flood of petitions on the subject of abolition which has since deluged Congress. The members from the non-slave-holding states on both sides, though adverse to the petitions, were opposed to taking strong and decided grounds against them; and their respective political friends in the South were naturally indisposed to force them to take higher grounds than they were inclined to do. The result was a sort of compromise, to receive the petitions, but not to refer or act upon them. Mr. Calhoun, whose rule has ever been to meet danger "on the frontier," to use his own expression, saw the peril of receiving the petitions, and determined to take a decided stand against it. He expected to stand alone; but with such force did he maintain his objections§ to receiving, that he was supported by a large portion of the Southern senators, and the motion to receive was laid on the table. Since then, no petition of the kind has been received by the Senate.

The prominent question at the next session was the Specie Circular. The President had issued an order in the recess prohibiting the receipt of bank-notes, or anything but specie in payment of the public lands. The opposition

* See "Speeches," &c., No. 11.

† Ibid, No. 12.

‡ Ibid, No. 13.

§ Ibid, No. 14.

was unanimously opposed to it, both on the ground of expediency, and the want of authority on his part to issue such an order, while his friends and supporters were greatly divided, some sustaining, but the greater part opposing the measure. Mr. Calhoun agreed with those who denied the right of the President to issue the order, on the broad principle that neither the Constitution nor the laws conferred it, and that the executive had no power but what was conferred by the one or the other. Nevertheless, he declined voting for the bill to supersede the order, which was passed by a great majority, a large portion of the administration party voting for it. His reasons were, that the diseased state of the currency was beyond remedy, and whether the circular was repealed or not, the result would be the same. He regarded the catastrophe as inevitable, and that the only question was, at whose door the responsibility should be laid. He saw that if the circular should be rescinded, it would be charged on those by whose vote it was done; and as he felt conscious that he had done all that he could to arrest the approaching calamity, he was determined to avoid all responsibility, and therefore declined voting for the bill. He was entitled to the floor, and intended to offer his reasons at large; but when it came up on its passage, was accidentally prevented from speaking. On his return home in March, several of his friends in Charleston, interested in trade and the banks, asked his opinion of the prospect ahead. His reply was, that the storm was approaching, and was just at hand, and his advice was to reef—reef—reef—quickly and closely, to avoid being wrecked. In two months the banks suspended payments, and the commerce and business of the country were prostrated.

During the same session an important question arose in reference to the admission of Michigan. She had been admitted at the preceding session on the condition of agreeing to the boundary between her and Ohio, as presented by the act for her admission. The Legislature of the state, in compliance with the act of Congress, called a convention of the people of the state, in order to determine whether the conditions should be accepted or not. The convention rejected the condition. Subsequently, an informal meeting or caucus was called by the party in favour of accepting it, without legal authority, or any other ceremony than is used for convening such meetings for ordinary political objects. It met, and agreed to the condition, which had been in due form considered and rejected by the convention legally and regularly called. The Committee on the Judiciary, to whom the subject was referred, reported in favour of admitting the state on the authority of the informal meeting or caucus, for it was, in fact, nothing more. Mr. Calhoun opposed the report in two speeches* on the ground of the unconstitutionality and the danger of the precedent, in which he displayed, with great force of argument, that thorough knowledge of the Constitution for which he is remarkable. But, as powerful as was his resistance, it proved vain. The bill passed, and has made a precedent, the danger of which time only can disclose.

CHAPTER VI.

In which the Narrative is continued until the Termination of the Second Session of the 27th Congress.

THE suspension of the banks in the spring of '37 marks an important period in the life of Mr. Calhoun and the political history of the country. Fortunately, under the operation of the joint resolution of 1816, and the Deposit Act of the preceding year, in the passage of both of which he took a decided part, the act of suspension of itself entirely separated the Government and the banks. The former prohibited the Government from receiving the notes of suspended banks

* See "Speeches," &c., Nos. 16 and 17.

in the public dues; and the latter prohibited it from using such banks as the depositaries of the public money, or as the fiscal agents of the Government. Without these, the union of the Government with the banks would still have continued, and the former would have found itself reduced to the same condition that it was at the end of the war in 1815, of receiving and paying away the notes of discredited banks, and using them as its depositaries and agents in the management of its revenue.

The suspension, as has been stated, was not unexpected to Mr. Calhoun; and he was not long in making up his mind as to the course he would pursue. He resolved to resist the reunion of the Government and the banks in any form, and to oppose the establishment of a national bank. Indeed, he regarded it as the first occasion that ever occurred which offered an opportunity for carrying into execution what he had long believed to be the true policy of the country, the divorce of the Government from all connexion with banks; an opinion which he had first publicly and plainly indicated in 1834, in his speech on the removal of the deposits, already cited. He made known his determination to a few confidential friends long before the call of the extraordinary session, and resisted decidedly all attempts to influence him to support a national bank.

With his course thus fixed, he went to Washington at the commencement of the extra session, resolved to await the development of the views of the two great parties before he should publicly make known his own, and to act with or against them, according as their course might agree or disagree with his own. He listened attentively to the reading of the President's Message at the opening of the session, which explicitly opposed the establishment of a United States Bank, and the renewal of the union of the Government and the banks, and made up his mind, as soon as the reading was finished, that he would give it his support.

The impression got out that Mr. Calhoun would support the message. It caused much excitement; but as it was only a rumour, the development of his course in his place in the Senate was looked to with deep solicitude. It was not long before an occasion offered. The Committee on Finances reported, shortly after the message was received, a bill for the establishment of what was called a Sub-treasury, but without any provision for collecting the Government dues in specie.

Mr. Calhoun rose in his place, and declared himself in favour of the entire separation of the Government from the banks, but denounced in strong terms the report of the committee for omitting what he regarded as essential to a separation; a provision for collecting the public dues in the constitutional currency, without which the measure they had reported would prove a perfect abortion. He declared that if that was what was meant by a sub-treasury, he washed his hands of all concern with it. His remarks made a deep sensation, and he was solicited by many of the friends of the administration to bring forward, in the shape of an amendment, a proposition to collect the public dues in specie. He replied that he had not intended to offer any proposition of his own; but, as they requested it, he would comply with their wishes. When the bill for the issue of treasury notes came up a few days after, he stated his opinion at large on the subject of the separation of the Government and the banks, in a speech, which made a permanent impression on the public mind, in reference to the whole banking system. He gave notice in his speech* of his intention of moving an amendment, at the proper time, to the bill, for the gradual but permanent separation of the Government from the banks, but finally agreed to postpone his motion till the bill for the establishment of the Sub-treasury should come under consideration. When that came up, he moved his amendment, and made a second speech,† in which he traced the rise and progress of the banking system, and marked the several stages through which it had

* See "Speeches," &c., No. 18.

† See "Speeches," &c., No. 19.

passed; he showed that it contained within itself the principle of its own destruction; and finally exposed the mischievous character and tendency of the system, economically, politically, and morally. His amendment prevailed, and the bill passed the Senate as amended, but failed in the House.

Such was Mr. Calhoun's course on this memorable occasion. All things considered, it has seldom been equalled for patriotism, magnanimity, sagacity, and boldness. We have seen him, in obedience to his principles, and what seemed to be his duty, separate himself from General Jackson and the party when in the plenitude of their power, and when he held the second office in the Government, with every prospect of reaching the highest. We have seen him, after his separation, instead of courting the opposition in order to maintain himself against the power and influence of the executive, again pursue a course in obedience to principle and duty, which brought him into direct conflict with both, and left him with his state alone to maintain the unequal struggle against a course of policy which, he believed, if not arrested, would prove ruinous to the Government and country. We have seen him, when the state, in pursuance of his course, had effected its object, availing himself of the aid of the opposition to bring down the power and influence of the executive department (originating in the encroachments of the Congress) within proper constitutional, legal limits. That done, we next see him, when the reaction of the very system to oppose which he separated from the party had prostrated them, and when the opposition with which he had for a time acted were preparing to rush on and overwhelm them in their weakness, and to re-establish their old doctrines and principles, rising up promptly, overcoming all personal feelings, forgetting all past differences, boldly repelling the assaults of his recent allies, and defending and protecting those from whom he had been so long separated, and by whom he had been much wronged, in stern obedience to his principles and to what he believed to be his duty: thus clearly showing, by his whole course throughout this eventful period, that *when they were at stake*, neither ambition, fear, enmity, friendship, nor popularity could bend him from his course.

The stand which he took drew down on him, as might be expected, the bitter denunciation and vengeance of the opposition, who had now assumed the name of Whigs. Among other things, they charged him with desertion, as if he had ever been of their party, and when, in fact, he had kept himself distinct from both the great parties from the time of his separation from General Jackson. That there might be no mistake on that point, he took the earliest opportunity in the Senate to avow what his position was. In his speech on Mr. Webster's motion, in 1834, to renew the charter of the United States Bank for six years, he said, "I am the partisan of no class, nor, let me add, of either political party. I am neither of the opposition nor administration. If I act with the former in any instance, it is because I approve of their course on the particular occasion, and I shall always be happy to act with them when I do approve. If I oppose the administration, if I desire to see power change hands, it is because I disapprove of the general course of those in authority."

To which he added: "But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I deem right I shall cheerfully support, and I only desire that they will afford me more frequent occasions for support and fewer for opposition than they have heretofore done." He often avowed the same sentiments, and acted throughout in strict conformity to the principles here laid down; and when Mr. Clay, for the first time in the Senate, assumed the name of Whig for himself and the party, intending to comprehend under it all that did not support the administration, the State Rights as well as the national parties, Mr. Calhoun rose in his place and disavowed the name, as applied to himself, and expressed himself contented with the name he bore. If to this it is added, he never, on any occasion, joined in their political meetings or party consultations, and always kept himself free on every question to

follow the dictates of his own judgment, it must be obvious that the charge of desertion is wholly groundless. In truth, he never from the first permitted his party obligations to overrule his attachment to principles or duty, and throughout this trying period he availed himself of the aid of whatever party fell in with his course for the time, to effect the important objects he had in view, but without permitting them, in any instance, to divert him from his end.

At the next session, the Sub-treasury, or the reorganization of the treasury, with the view of collecting, safe keeping, and disbursing the public moneys through its own officers, without the agency of banks, again became the prominent question. The subject was again referred in the Senate to the Committee of Finance, which reported a bill much fuller in its details, and containing what is called the specie feature, that is, a provision for the gradual, but entire separation of the government from the banks, similar to that moved at the extra session by Mr. Calhoun. Mr. Rives moved, as a substitute, to strike out the whole bill after the enacting clause, and to insert in lieu the use of the state banks as the depositaries and fiscal agents of the government, as formerly used, but with some additional modifications. The discussion took place on the amendment, and the argument principally turned on the respective merits of the two systems. Both sides put out their strength. The debate was animated and able. Mr. Calhoun took a prominent part, and greatly distinguished himself in the speech he delivered on the occasion.* This drew down on him pointed personal attacks from the two great leaders of the opposition, Mr. Clay and Mr. Webster, with whom he had to contend single handed. The conflict excited deep and universal interest.† It was called in the journals of the day the war of the giants; and it is no more than justice to him to say, that he repelled their charges with signal success, and turned back the war with effect.‡

After the defeat of the amendment offered by Mr. Rives, and just before the question was put on the engrossment, a motion was made to strike out the specie feature, which succeeded by the united vote of the opposition and a considerable portion of the friends of the administration. The effect of the amendment would be for the government to collect the dues in the notes of the banks, and deposite them for safe keeping in its own safes and vaults, to which Mr. Calhoun had from the first avowed his hostility. He reserved his opposition until the bill had been perfected, according to the views of those who had made the amendment, and the question put on the engrossment, when he stated his objections in a short, but strong and decisive speech, showing that it was liable to all the dangers and objections for which the pet-bank system was obnoxious, attended by additional dangers and objections peculiar to itself. The bill, nevertheless, passed the Senate, but the argument was not without its effects. The views of Mr. Calhoun were almost unanimously sustained by the party in the House and the country. The bill failed, and the session terminated in leaving things as they were.

It was during this session that Mr. Calhoun introduced his resolutions on the subject of abolition. He had always regarded this as the most mischievous species of political fanaticism, and the only question which could really endanger the Union. He saw the non-slave-holding states closely divided between two great parties, and a third growing up and organizing upon a principle which they believed of a higher importance than any involved in the political issues of the day. Should this sect continue to increase without opposition from either of the great parties, its influence might become strong enough to decide the political contests, and so formidable that it would be courted. As their ends could only be attained through consolidation, it was likely that they would join the party whose principles had that tendency. The best interests of the Union, and the integrity of the Republican party, seemed to require the line to

* See "Speeches," &c., Nos. 20, 21, and 22.

be drawn at once between that party and the Abolitionists. He accordingly moved the following resolutions, which present so strongly his views of the relations of the General Government and of the states to this subject, that we shall extract them.

"Mr. Calhoun then submitted the following resolutions :

"Resolved, That, in the adoption of the Federal Constitution, the states adopting the same acted severally as free, independent, and sovereign states ; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

"Resolved, That, in delegating a portion of their powers to be exercised by the Federal Government, the states retained severally the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them ; and that any intermeddling of any one or more states, or a combination of their citizens, with the domestic institutions and police of the others, on any ground or under any pretext whatever, political, moral, or religious, with a view to their alteration or subversion, is an assumption of superiority not warranted by the Constitution, insulting to the states interfered with, tending to endanger their domestic peace and tranquillity, subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

"Resolved, That this Government was instituted and adopted by the several states of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity ; and that, in fulfilment of this high and sacred trust, this Government is bound so to exercise its powers as to give, as far as may be practicable, increased stability and security to the domestic institutions of the states that compose the Union ; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

"Resolved, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognised as constituting an essential element in the distribution of its powers among the states ; and that no change of opinion or feeling on the part of the other states of the Union in relation to it can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow ; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the states respectively on entering into the Constitutional compact which formed the Union, and, as such, is a manifest breach of faith, and a violation of the most solemn obligations, moral and religious.

"Resolved, That the intermeddling of any state or states, or their citizens, to abolish slavery in this district, or any of the territories, on the ground or under the pretext that it is immoral or sinful, or the passage of any act or measure of Congress with that view, would be a direct and dangerous attack on the institutions of all the slave-holding states.

"Resolved, That the union of these states rests on an equality of rights and advantages among its members ; and that whatever destroys that equality tends to destroy the Union itself ; and that it is the solemn duty of all, and more especially of this body, which represents the states in their corporate capacity, to resist all attempts to discriminate between the states in extending the benefits of the Government to the several portions of the Union ; and that to refuse to extend to the Southern and Western States any advantage which would tend to

strengthen or render them more secure, or increase their limits or population by the annexation of new territory or states, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slave-holding states, withholding from them the advantages, while it subjected them to the burdens of the Government."

These, with the exception of the last, passed the Senate with some slight modifications. In the course of a long and running debate on these resolutions, he examined the relations of our government to this subject. He showed those who viewed slavery only in the abstract, that they could never thus form a true conception of their duty in the existing state of things. It was not a question to be considered in the abstract, but in the concrete, and with a full view of all the circumstances connected with it. In a large portion of our country, two races had been thrown together in nearly equal numbers, and separated into castes by a natural line too strongly drawn ever to be effaced. The question was not as to what different state of things could be conceived as more desirable, but what was the best relation to establish between two such races thrown together under such circumstances. Under the institution of slavery, both races had prospered, and the black especially had made a more rapid advance in civilization than it had ever done before in the same space of time and under other circumstances. These were facts to induce those to pause who were tempted, by considerations of abstract philanthropy, to overstep the bounds which were imposed on their action not only by the Constitution, but also by an enlightened spirit of benevolence itself. If other considerations were wanting, he pointed to the incidental political benefits arising from an institution which harmonized the relations between capital and labour, and thus introduced a spirit conservative of both interests, so far as Southern influence could be felt in the action of the General Government. The passage of these resolutions placed the Abolitionists in direct hostility to the Republican party, and led to a state of things which was far safer to the party and the Union than to have permitted so dangerous a sect to grow up unopposed. The Republicans, from all sections of the Union, found in these propositions a common ground where they could stand, without danger of schism upon the question which threatened most to divide them.

At the next session the prominent subject of debate was Mr. Crittenden's bill to prevent the interference of certain Federal officers in elections. Mr. Calhoun spoke with much power and effect on the occasion.* After discussing the subject fully against the bill on its merits, both as to its constitutionality and expediency, and showing that its effects would be the opposite of what was intended—that it would increase instead of diminishing the influence of the executive—he declared himself the fixed and strenuous friend of reducing the influence and patronage of that branch of the government within the narrowest limits consistent with the Constitution and the object for which it was created. He then proceeded to show that the legitimate means of effecting that was to restrict the revenue and expenditure to the legitimate and constitutional wants of the Government, and to hold the executive power strictly to its appropriate sphere. This led him into a very interesting account of the two hostile systems of policy, which had divided the country from the formation of the Government, of one of which Mr. Jefferson was the head and General Hamilton of the other. After tracing their rise and progress, he showed that the present struggle was but a continuation of the original conflict between them, and that an opportunity was now afforded for the first time since the Government went into operation, to put down effectually that of which Hamilton was the head—the old Federal and consolidation party; and to give the opposite—that of

* See "Speeches," &c., No. 23.

which Jefferson was the head, the old State Rights Republican party—a permanent ascendancy. In conclusion he said, “It would be presumptuous in me, Mr. President, to advise those who are charged with the administration of the Government what course to adopt; but if they would hear the voice of one who desires nothing for himself, and whose only wish is to see the country prosperous, free, and happy, I would say to them, You are placed in the most remarkable juncture that has ever occurred since the establishment of the Federal Government, and, by seizing the opportunity, you may bring the vessel of state to a position where she may take a new tack, and thereby escape all the shoals and breakers into the midst of which a false steerage has run her, and bring her triumphantly into her destined port, with honour to yourselves and safety to those on board. Take your stand boldly; avow your object; disclose your measures, and let the people see clearly that you intend to do what Jefferson designed, but, from adverse circumstances, could not accomplish: to reverse the measures originating in principles and policy not congenial with our political system; to divest the Government of all undue patronage and influence; to restrict it to the few great objects intended by the Constitution; in a word, to give a complete ascendancy to the good old Virginia school over its antagonist, which time and experience have proved to be foreign and dangerous to our system of Government, and you may count with confidence on their support, without looking to other means of success. Should the Government take such a course at this favourable moment, our free and happy institutions may be perpetuated for generations, but, if a different, short will be their duration.” Had the course advised been early and openly avowed and vigorously pursued in time, very different might have been the termination of the last presidential election; and it may be added, that the advice is not less applicable to the coming than to the past election, and, if the Federal consolidation party is ever to be permanently put down, and the State Rights Republican party to gain the permanent ascendancy, it can only be effected by its adhering steadily and in good faith to the course advised.

The next session, that of 1839–40, which immediately preceded the late presidential election, was distinguished for the number and importance of the subjects that were agitated and discussed, and, it may be added, the ability and animation of the discussions. Among the more prominent of these may be included the public lands; the assumption of state debts; Mr. Calhoun’s resolutions in reference to the case of the *Enterprise*; the Bankrupt Bill, and the repeal of the salt-tax; in all of which Mr. Calhoun took a prominent part.* His speeches on his resolutions and on the assumption of state debts are among the ablest he ever delivered, and are worthy of the attention of all who desire to understand the subjects which they discuss.

The presidential election having terminated in favour of the Whigs, the next session was principally occupied in the discussions connected with the public lands, preparatory to one of the leading objects of policy contemplated under the new administration. Mr. Calhoun made three speeches on the subject:† one on the prospective Pre-emption Bill; another on an amendment to it proposed by Mr. Crittenden, as a substitute, to distribute the revenue from the public lands among the states; and, finally, one in reply to Mr. Webster and Mr. Clay. In these the whole policy of the public lands, and the various plans which were proposed in reference to them, were discussed. It is a subject which early attracted Mr. Calhoun’s attention, and has engrossed much of his reflection.

As far back as February, 1837, he offered a substitute, in the form of an amendment to the bill, to suspend the sales of the public lands, in which he proposed to cede to the new states the portion of the public lands lying within their respective limits, on certain conditions, which he accompanied by a speech

* See “Speeches,” &c., Nos. 24, 25, 26, 27, 28, and 29.

explanatory of his views and reasons. He followed up the subject in a speech delivered in January, 1839, on the Graduation Bill; and in May, 1840, an elaborate and full report was made from the Committee on Public Lands, and a bill introduced by him, containing substantially the same provisions with his original proposition. These, with his three speeches already referred to, contain a full view of his objects and reasons for the proposed cession.

There have been few measures ever presented for consideration so grossly misrepresented, or so much misconceived, as the one in question. It has been represented as a gift—a surrender—an abandonment of the public domain to the new states; and having assumed that to be its true character, the most unworthy motives have been attributed to the author for introducing it. Nothing is more untrue. The cession is neither more nor less than a conditional sale, not extended to the whole of the public domain, as represented, but to that portion in the new states respectively within whose limits they lie; the greater part of which are mere remnants, which have long since been offered for sale, without being sold.

The conditions on which they are proposed to be ceded or sold are drawn up with the greatest care, and with the strictest provisions to ensure their fulfilment; one of which is, that the state should pay 65 per cent. of the gross proceeds of the sale to the General Government, and retain only 35 per cent. for the trouble, expense, and responsibility attending their administration. Another is, that the existing laws, as they stand, except so far as they may be modified or authorized to be modified by the act of cession, shall remain unchanged, unless altered by the joint consent of the General Government and the several states. They are respectively authorized, if they should think proper, to adopt a system of graduation and pre-emption within well-defined and safe limits prescribed in the conditions; and the General Government is authorized to appoint officers in the several states, to whom its share of the proceeds of the sale shall be directly paid, without going into the state treasury; and these conditions are put under the guardianship of the courts, by providing, if they shall be violated, that all after rules by the state shall be null and void. So far from this being a gift, or an abandonment of the public lands to the new states, he has clearly proved, if there be truth in figures, that the Government would receive a greater amount of revenue from the lands in the new states, under the system he proposes, than under the present. These demonstrations are based on calculations which neither have nor can be impugned.

But his views extended far beyond dollars and cents in bringing forward the measure. He proposed to effect by it the high political objects of placing the new states on the same footing of equality and independence with the old, in reference to their domain; to cut off the vast amount of patronage which the public lands place in the hand of the executive; to withdraw them, as one of the stakes, from the presidential game; to diminish by one fourth the business of Congress, and with it the length and expense of its session; to enlist the Government of the new states on the side of the General Government; to aid in a more careful administration of the rest of the public domain, and thereby prevent the whole of it from becoming the property of the occupants from possession; and, finally, to prevent the too rapid extinction of Indian titles in proportion to the demand for lands from the increase of population, which he shows to be pregnant with great embarrassment and danger. These are great objects, of high political import; and if they could be effected by the measure proposed, it is justly entitled to be ranked among the wisest and most politic ever brought forward. That they can be effected, it is almost impossible for any well-informed and dispassionate mind deliberately to read the speeches and documents referred to, and to doubt.

CHAPTER VII.

Conclusion.

ONE of the first acts of the new administration was to call an extra session in the spring of 1841. Flushed with success, and confident in their power to consummate their entire system of policy, the Whigs assembled at the commencement of this session with overwhelming majorities in each House of Congress. The Republicans came, under circumstances well calculated to dispirit them, and too weak in point of numbers to have made an efficient opposition except under the most skilful management. It soon became manifest, as the plan of the campaign was developed, that the majority were determined to sweep everything by "coups-de-main," and would not depend upon address at the expense of time to take any post which could possibly be carried by storm. They commenced in the House of Representatives by wresting from the minority some of the most inestimable of the privileges of debate: privileges which the minority had enjoyed from the institution of the House of Representatives up to that time, and even during the war, when the opposition, by its factious course, seemed to have justly forfeited all respect, if it had not been deemed the sacred right of the tax-payer to be fully heard before new burdens were imposed upon him. But the minority were no longer allowed to debate questions in the Committee of the Whole until they were satisfied with the hearing.

The majority seized the power of arresting the debate whenever they chose, and thus, under the pretence of preventing factious delays, they acquired the means of terminating the discussion whenever it searched their purposes too deeply, or developed too strongly the consequences of their measures. Under this state of things, there was little left to the opposition but the mere vote; and the majority so completely acquired the whole sway in the lower House that it was by their grace only that their opponents could even remonstrate against their measures. In that body one overruling influence seemed to prevail, which did not emanate from within, but cast its shadow from without. Nor could even the fascinations of the splendid genius that controlled, relieve the dull, dreary, and depressing sense of dependance under which that House seemed to think and move. In the Senate, however, this tendency to the absolute power of a majority met with a severe and effective resistance. Determined never to yield up the arms which were necessary for the contest, they repelled every attempt to introduce "the gag." Foremost among the opposition stood Mr. Calhoun, and the parliamentary annals of the world hardly afford an instance of a more formidable array of intellectual force than that opposition then presented. Nothing could be more brilliant than its career through the whole of this short but eventful session.

The majority boldly assumed the old Federal positions upon the bank, the tariff, and the distribution of the proceeds of the public lands. Confident in their strength to carry it, they openly avowed their system. Profusion in public expenditure and special legislation seemed to be the order of the day. To the shattered victims of the war so long waged by the stock interests, a deliverance from all obligation for the past was declared in the Bankrupt Law; and the affiliated system of the bank, the tariff, and the distribution tempted them with an almost boundless prospect for future indulgence. The prodigal, the idle, the desperate, the visionary speculator, and even the cunning usurer, were each invited, by some appropriate hope, to join in the general foray, when the whole field of productive industry was to be given up to plunder. There seemed to be at last a prospect that Hamilton's system would prevail. With a

revenue decreasing daily, the Secretary of the Treasury proposed an annual expenditure of about \$27,000,000, and recommended a distribution among the states of the proceeds of the public lands. This lavish expenditure was to be maintained from customs alone; and through the influence of another bank expansion, our people were to be tempted to buy freely under the ruinous rates of duties which were proposed. Entreaty and remonstrance were alike unavailing with the majority, which for a while pursued its course without regard to the rights of the states or the freedom of individual pursuits, which were overwhelmed in their way. The whole hope of an efficient resistance to these measures in Congress now rested on the Senate, where the necessary privileges of debate were still retained. Our history does not present us an instance of an opposition more distinguished for its ability, or more untiring in its energy. Its searching gaze seemed to read the hidden purpose with almost as much certainty as it followed the open movements of its adversary. The purposes and principles of the system proposed by the majority were so clearly exposed by skilful amendments or in vigorous debate, that the public attention was fully aroused and directed to the consequences: consequences which were so powerfully and accurately depicted, that even the authors of the measures would have been appalled had they been less reckless of the future. The natural affinity between the tariff and distribution, which Mr. Calhoun had proclaimed so long before, was now clearly proved by the course of the majority during this session. So essential did they deem the distribution in order to secure the permanence of the tariff, that they ventured upon the former measure at every hazard, and at a time, too, when the revenue was deficient, and there was scarcely a hope that the customs would afford money enough for the current expenses of the Government. This ominous combination, which Mr. Calhoun had sacrificed so much to avert, was now at hand, and he met it in a speech,* which is one of the finest specimens of his power and style. There are portions of that speech in which he traces the consequences of distribution with a spirit of inquiry so eager, so searching, so keen, that he forgets himself and the personal feelings of the contest in the contemplation of the vision of ruin before him, and seems to seek relief from his forebodings by unbosoming himself to the country. The majority now faltered, for the first time, under the appeals of the opposition, and incorporated a provision for suspending the distribution when the duties upon imports exceeded a certain rate—a provision to which we have since owed the suspension of that dangerous act. The condition of the finances, which seemed not to have been fully appreciated by the majority, together with the proviso of which we have spoken, rendered the distribution law practically inefficient. Their bank bills had been vetoed by the President, from whom they were soon alienated; the Bankrupt Law was generally odious, and it seemed to require nothing more than the absurd and extravagant Tariff Act of the succeeding session to consummate their ruin. Thus did the opposition come out of the contest with flying colours at the close of that eventful session. The part which Mr. Calhoun bore in this crisis is so justly and so thoroughly appreciated by the country, that no particular comment upon it is necessary.

Suffice it to say, that the discussions of the extra session and of that which succeeded it were important and exciting. The most prominent of the extra session were upon the M'Leod case, the Report of the Secretary of the Treasury, and the Bankrupt Law.† The debate on the bank bills turned almost exclusively upon the details. At the succeeding session the principal subjects were the Treasury Note Bill, the Veto power, Mr. Clay's resolutions in reference to the revenue and expenditures, the Loan Bill, and the Tariff Bill. To Mr. Calhoun's speeches upon these subjects we simply refer, because they are so recent as to be familiar to all, and not because they are less worthy of study than some others of a more distant date, from which we have extracted freely. Indeed, we have so often found occasion to recommend the perusal of the par-

* See "Speeches," &c., No. 31.

+ Ibid., No. 30, 32, 33, 34, 35, 36.

ticular speech to which we were referring, that we were almost afraid of exciting the suspicion that our object was more to eulogize the statesman than to instruct the reader; and yet we are sure that all who study these speeches will acquit us of such a motive. We have recommended their perusal because we believed that they gave the best view of the state of public affairs, and of the mode in which a statesman would deal with such events, which has yet been furnished; nor did we know of any other models, either of statesmanship or oratory, in our own parliamentary annals, to which we could better invite the attention of the student. Indeed, we could scarcely direct him amiss among these speeches for specimens of luminous conceptions, or of that simple and natural order of propositions which constitutes a peculiar charm in style, and enables the orator to fascinate his audience, and carry them along with him. The English language affords no finer examples than are to be found in these speeches of the power of analysis in eliminating the truth of a case from circumstances which obscure and embarrass it. Nor are there any more attractive for novel and profound speculation, in which he sometimes deals when such lights and shadows are necessary to complete the picture which he is drawing.

In how many of the unexplored regions of human thought will the attentive reader be startled to find the trace of his footstep, and yet so rapid is he in his flight over his subject, that he scarcely takes time to set up his flag on the lands which he has found, or to perpetuate the evidences of his title to the honours of discovery.

Here, perhaps, we ought to leave the reader to draw his own conclusions as to the nature of the man and of his public services from the narrative which we have given; and yet we feel that it will be impossible for him to understand either fully, even with the aids which we have offered him, without a careful study of his speeches, reports, and other public addresses, in connexion with the history of the times; a study to which we again commend him, as well worthy of the time and labour which it may cost. For ourselves, we can truly say, that our estimate of his public services has increased with our opportunities for studying them, and that our admiration of his character has grown as his private and political history became more familiar to us. Indeed, it would almost seem to us, at times, that it belonged to the destiny of the American people to have reared up such a man, and that one of its necessities required him to pursue that long and stormy career, through which he has watched and helped to steer the ship of state with an eye that never winked and an energy that never tired. It required his indomitable will, and a nature thus rarely constituted, to have maintained this eager and incessant labour for the happiness of the American people, and to have led, for so long a period, the triumphal march of our glorious institutions. With a turn of mind naturally philosophical, his great power of analysis and his faculty of attentive observation early enabled him to form a system for the conduct of life, both in his private and public relations, and to determine within his own mind upon the true ends of human action; ends which he has pursued with a matchless constancy, while a knowledge of his ultimate destination and of the high objects of his journey has cheered him along through the thorny paths of public life. Of all the men whom we have ever seen, he seems to us to have surveyed most completely the whole ground of human action. To these advantages he adds another, which constitutes, perhaps, his highest quality as a statesman. It is the faculty of considering circumstances in their combinations, and of determining their relative power in propelling events. To analyze this combination, or "juncture" (as he sometimes calls it), and to determine the resultant of all these forces, is, in his opinion, the highest and rarest faculty of a statesman. If he values this power more than most others, it is because he has derived more benefit from its use, and well may he estimate highly that quality which, by affording him an insight into futurity far beyond the usual range of human vision, has given him such

control over events. These were the gifts in whose strength he presented himself on the stage of the world in the very commencement of his public life, as one fully grown and armed for the trials which belonged to the time and the place. True to those noble instincts which spring more from a Divine source than from human reason, he ever leaned to liberty as against power, and early learned to resist those temptations which so often lead man to increase the power of the mass, which he is content to share as a member, at the expense of those separate and individual rights of which nature constituted him the peculiar guardian, and which were only given as the means of self-culture, and as indispensable to the moral elevation of his being.

His public life may be divided into two grand epochs: the first, in which he put forth his whole energies to enable his countrymen to maintain their independence against foreign aggression; and the second, in which he undertook the more difficult task of freeing their domestic legislation from those devices by which one was enabled to prey upon another. In each of these periods he has been emphatically "the man of his time," and he has ever regarded the tenets of the Republican party as indicating the best means of attaining these ends under our form of government. Of all men now living, he, perhaps, has contributed most to illustrate and establish that political creed. We are aware that we expose ourselves here to the sneers of some of those literal expositors of the law, who believe that man was made for the Sabbath and not the Sabbath for man. But we repeat the assertion, that in all the public exigencies in which he was called to act, he made the nearest practical approach to the great ends of the Republican party which human wisdom or foresight could then devise. In all the great measures of our government since he first entered Congress, his influence has been felt either in their origination or modification, and to this influence more than any other the Republican party is indebted for its present proud position before the world.

Morally considered, the great objects of the Republican party are simple and few. Its first is to preserve, as far as possible, the independence of individual action and pursuit; and it rejects all limitations upon this independence which are not essential to the great ends of social organization. It regards all of those powers which man wields in his aggregate or corporate capacity as so many limitations upon his individual rights, and it yields those which are indispensable to the institution of society as so many concessions which necessity has extorted from liberty. These are the terms upon which they would grant Government its powers; and they would administer the power thus limited with an equal regard for all who are entitled to share the benefits of the trust. Tried by these tests, Mr. Calhoun has nothing to fear, when the circumstances are considered under which he was called to act.

In the first epoch of his public life, we were forced to defend ourselves in a war with the most formidable nation of the globe, and with the only power whose arm was long enough to reach us in our distant position, and within the defences of so many natural barriers. In its commencement it was a war of independence, and it might become a contest for existence. In this state of things, it was in our aggregate power alone that we were to find the strength to resist foreign assaults, and every American patriot sought the means of increasing it as far as the limitations of the Constitution would permit. The war was a measure of the Republican party, and the unpatriotic course of the opposition devolved upon them alone the duty of devising the means to prosecute it. Under these circumstances, the Republican party deflected from the natural line of their direction, and sought to concentrate as much power in the Government as they then believed indispensable for the successful conduct of the war. How far they were right or wrong, it is not our province here to determine; but certain it is, that there was much in the overruling power of circumstances to justify their course and excuse their errors, if errors they may be called. With

how much more justice may the same apology be made for Mr. Calhoun himself. The leading advocate of hostilities and the chairman of the committee which reported the declaration of war, with a deep responsibility to the country for the success of that contest, which he was accused of precipitating; young, ardent, and indignant at the course of foreign and domestic enemies, it is surprising that he was not less scrupulous of the Constitution in calling forth the means of defending it, and our people against foreign expositions of law and justice, which ultimately might have overturned all, unless arrested by our successful resistance. And yet, upon how many great occasions did he restrain the Republican party from aberrations from their principles.

It was he who opposed the restrictive system against the majority of the party. It was he, too, who took a prominent part in resisting the system of forced loans in the case of the merchants' bonds, and who defeated Mr. Dallas's vast scheme of a national bank to issue irredeemable paper, which was recommended by a Republican President and supported by the party. Session after session did he combat it, until he succeeded in restoring to the country a specie-paying paper, and something like uniformity in the medium in which its taxes were collected. And although the opinions of that day, growing out of the exigencies of the war, exaggerated the necessity for roads and canals as military defences, and called for the general use of a power which was given by the Constitution within the narrowest limits, it is remarkable that he has nowhere expressly affirmed the existence of such a power in the Federal Government.

His views of the proper use to be made of this power, if it existed, or could be obtained, when given in obedience to a call of the House of Representatives, were perhaps the ablest ever taken of the relation of this subject to our military defences, yet he cautiously abstained from deciding the constitutional question. This was before the Republican party had paused in that career in which they were concentrating power within to defend themselves against attacks from without. In a review of this period of his life, it may with truth be said, that all those acts for which he has been reproached as departures from the State Rights creed, were substitutes for much worse measures, which, but for him, his party would have adopted; and, although some of them were neither the wisest nor best, according to the present standard of information, they were each the nearest approach to the true Republican line of action which was permitted by the state of public knowledge and feeling at the time. But, whatever may have been the errors of the early part of his *public* life, he nobly redeemed them in the second period, which commenced from his election to the vice-presidency. It was during the interval then allowed for reflection that he first examined thoroughly the working of the machinery of the Government in its internal as well as its external relations. He was among the first of the Republican party to pause in that career by which power had been consolidated in the Federal Government, without due reflection upon its consequences to the states and the people. He saw that the distribution of the political powers of our system, as contemplated by the Constitution, had been deranged, and that vast affiliated stock interests had been permitted to grow up almost unconsciously, which threatened to absorb the whole power and influence of the Confederacy, and to substitute a government of the few for that of the many; and, worse than all, he saw many of the Republican party so deeply entangled in the consequences of past action, and so little aware of the mischiefs which threatened them, that it was impossible to receive their co-operation in the efforts which were necessary to save the Government from deep organic derangement, and the party itself from utter annihilation. His position gave him a deep interest in the unity of the party, if he had looked to himself alone; the road to office was open and easy; but the higher and more alluring path to fame lay along a steeper route and over rugged and difficult precipices. Between these alternatives he did not hesitate, but determined at once to strike

the blows he believed to be necessary to save the country and restore the party to its pristine purity of faith and practice. We have given the history of the memorable contest in which, with unexampled odds against him, he maintained his foothold and accomplished his grand design.

We have seen the series of skilful movements and masterly combinations by which, with comparatively few forces, he occupied and manfully contested every inch of disputed territory, until he finally struck down the protective system with blows from which it never can entirely recover in the face of the formidable array against him, wielding the battle-axe of Richard or the cimeter of Saladin, as strength or skill might best serve his turn. Ever ready, cheerful, and confident, he sometimes obtained concessions from mere respect to his gallantry and prowess, which no force at his disposal could then have extorted. Experience now proved that he had not been a moment too soon in striking at the protective system. The Republican party had been gradually wasting under the assaults of their open enemies, and the moral influences of the stock interests. The banks, deprived for the time of their natural ally the tariff, were forced to take the field alone, and the difficulty which the Republicans experienced in coping with this single interest, proved how impossible it would have been for them to have resisted the whole affiliated system if its strength had been unimpaired, and its united forces directed against them. They now saw that Mr. Calhoun had been warring all along, not against them, but a common enemy, which, but for him, might have overwhelmed all together. Mr. Calhoun, who had left his ancient friends in their strength to reform, but not to destroy, now returned to them in their weakness to cheer, to animate, to rally, and defend them, and was prouder of their alliance upon principle in their period of adversity than he would have been of all the honours which they could have heaped upon him in their prosperity. It was not in his nature to regard the execrations which these stock interests poured out upon him. They had too often tried the temper of his steel not to know the force of the arm which wielded it, and it was perhaps with as much of despair as rage that privilege saw its ancient and well-trained adversary take the field with additional strength against it. Mr. Calhoun did not now direct his attention so much to mere affairs of outposts as to placing the party upon that solid platform of principle, in which he well knew that the whole battering train of the Federal hosts could never effect a breach. With a true military eye, he readily seized all the advantages of position, and under his advice mainly, they have, at every sacrifice, directed column after column upon this elevated post, where they now command the field, and from which, if not abandoned or lost by want of vigilance, they must ultimately recover the country.

He is now about to retire from the theatre of public life, neither wearied nor worn, but because his work is done, so far, at least, as senatorial life can afford him any useful part to play. If there be any new field of action worthy of his powers, and as yet untrodden by him, it is in that highest executive sphere, for which the character of his mind and the experience of his life have so eminently fitted him. It is, perhaps, only upon this theatre that his countrymen would not now exclaim, "Superfluous lags the veteran on the stage," and it is there that they will probably require him to consummate, as perhaps he alone can do, those great Republican reforms so cherished by the party, as destined to commend it to the grateful regards of posterity. We cannot better close this sketch than by extracting a portrait of Mr. Calhoun as a man and an orator, which was drawn by a friendly hand, it is true, but which we recognise as being so just and well executed that we gladly adopt it as our own.

In his person Mr. Calhoun is slender and tall. His countenance, at rest, is strikingly marked with decision and firmness. In conversation it is highly animated, expressive, and indicative of genius. His eyes are large, dark, brilliant, and penetrating, and leave no doubt, at first view, of a high order of intellect. His manners are easy, natural, and unassuming, and as frank as they are cordial and kind. In all his domestic relations his life is without a blemish. He has none of the cautious reserve and mystery of common politicians; for he has nothing to conceal or disguise. He is accessible to all, agreeable, animated, instructive, and eloquent in conversation, and communicates his opinions with the utmost freedom. Some politicians seek popularity by carefully avoiding responsibility. Whatever popularity Mr. Calhoun possesses has, on the contrary, been acquired by bold and fearless assumption of responsibility on all critical and trying occasions. His judgment is so clear and discriminating, that he seems to possess a sort of prophetic vision of future events, and on occasions when most men doubt and hesitate, he decides with confidence, follows up his decision with undoubting firmness, and has never failed in the end to be justified by time, the arbiter of all things.

Few men have been called upon to pass through scenes of higher political excitement, and to encounter more vigorous and unrelenting opposition than Mr. Calhoun; yet, amid all the prejudices which party feeling engenders, and all the jealousy of political rivals, and all the animosity of political opponents, no one has yet ventured to hazard his own reputation for judgment or sincerity so far as to doubt one moment his great and commanding talents.

As an orator, Mr. Calhoun stands in the foremost rank of parliamentary speakers. On first rising in debate, he always felt the anxiety of diffidence, arising from a sensibility which is almost always the companion of true genius. His manner of speaking is energetic, ardent, rapid, and marked by a solemn earnestness, which leaves no doubt of his sincerity and deep conviction. His style is pure, forcible, logical, and condensed; often figurative for illustration, never for ornament. His mind is well stored with the fruits of learning, but still better with those of observation and reflection. Hence depth, originality, and force characterize all his speeches. He lays his premises on a foundation too broad, solid, and deep to be shaken; his deductions are clear and irresistible; "the strong power of genius," to adopt the language of the eloquent Pinkney, in referring to Mr. Calhoun's splendid speech on the treaty-making power, "from a higher region than that of argument, throws on his subjects all the light with which it is the prerogative of genius to invest and illustrate everything." And his speeches, full of the most elevated and patriotic sentiments, after conquering the understanding, take the heart entirely captive, and carry along his hearers, often unconsciously, and sometimes against their will, to the point he desires.

Mr. Calhoun had attained so high a reputation as a member of Congress, that it was thought by many that he was leaving his appropriate field when he accepted the appointment of Secretary of War. On the contrary, his new situation only presented another theatre for the exercise of his great and diversified talents. The distinguishing feature of his mind, the power of analysis, was now to be exercised in the practical business of Government, and at once, as by enchantment, order, efficiency, and perfect accountability sprang from the chaos in which he found the department, and demonstrated that his energy in execution was equal to his wisdom in organizing, and left it doubtful whether his legislative talents were not surpassed by his practical ability in administration.

As a statesman, in the most enlarged and elevated sense of the term,

Mr. Calhoun has no superior. A philosophical observer of men and of their affairs, he analyzes and reduces all things to their original elements, and draws thence those general principles, which, with inconceivable rapidity and unerring certainty, he applies on all occasions, and banishes the perplexity and doubt by which ordinary minds are overwhelmed and confounded. By this wonderful faculty, he is enabled to decide at once, not only what measures are at present necessary for a government novel in its principles, and placed in circumstances of which there is no precedent in the history of mankind, but, by discerning results through their causes; to look into futurity, and to devise means for carrying on our beloved country in a direct path to the high and glorious destiny which, under the guidance of wisdom and virtue, awaits her.

To the highest powers of mind Mr. Calhoun unites those elevated moral qualities, which are equally essential with ability to complete the character of a perfect statesman: inflexible integrity, honour without a stain, disinterestedness, temperance, and industry; a firmness of purpose which disdains to calculate the consequences of doing his duty; prudence and energy in action, devotion to his country, and inextinguishable love of liberty and justice. To these great qualities, perhaps, we ought to add a lofty ambition; but it is an ambition that prefers glory to office and power, which looks upon the latter only as a means for acquiring the former, and which, by the performance of great and virtuous actions for the accomplishment of noble ends, aims at the establishment of a widely-extended and ever-during fame. This ingredient, which enters into the composition of all great and powerful minds, seems intended by Providence to stimulate them to the highest pitch of exertion in the service of mankind; and if it be a defect, it is one which Mr. Calhoun shares, as well as all their high qualities, with the most perfect models of Greek and Roman excellence.

To those who have not been attentive observers of the life, character, and conduct of Mr. Calhoun, or who may have been alienated by political conflicts, the above portraiture may seem to derive some of its colouring from the partial pencil of friendship. If an intimate connexion of that kind for more than a quarter of a century may be supposed to tincture the writer's mind with partiality, it will be allowed, at the same time, that it affords the best possible opportunity of forming an accurate estimate of the moral and political character of the subject of this memoir. His *statements of fact and opinion he knows to be entirely authentic*; and after a deliberate review of every sentence and word he has written, he finds nothing which a reverence for justice and truth will allow him to alter.

SPEECHES, &c., OF THE HON. JOHN C. CALHOUN, Bibliog.

REFERRED TO IN HIS LIFE, AND WHICH ARE PUBLISHED IN SEPARATE VOLUMES, AND NUMBERED 1 TO 38.

Speech delivered in the House of Representatives in 1812 (1st session of 12th Congress), in reply to John Randolph and in favour of *Preparation for War*.

See Life, page 9, and "Speeches," &c., No. 1.

Onslow's Letters in reply to Patrick Henry (Nos. 1 and 2).

See Life, p. 32, and "Speeches," &c., No. 2.

Address, stating his opinion of the relations which the States and General Government bear to each other. South Carolina, July 26, 1831.

See Life, p. 38, and "Speeches," &c., No. 3.

Letter to General Hamilton on the subject of *State Interposition*. South Carolina, Aug. 28, 1832.

See Life, p. 41, and "Speeches," &c., No. 4.

The following *Speeches* and *Reports* were delivered in the Senate of the United States during a period of ten years (from February, 1833, to February, 1843):

Feb. 15, 1833. Speech against the *Force Bill*.

See Life, p. 46, and "Speeches," &c., No. 5.

Feb. 26, 1833. Speech on his Resolutions and in reply to Mr. Webster.

See Life, p. 46, and "Speeches," &c., No. 6.

Jan. 13, 1834. Speech on the Subject of the Removal of the Deposites.

See Life, p. 49, and "Speeches," &c., No. 7.

March 26, 1834. Speech on Mr. Webster's Proposition to Recharter the United States Bank.

See Life, p. 52, and "Speeches," &c., No. 8.

April 9, 1834. Speech on the Bill to Repeal the *Force Act*.

See "Speeches," &c., No. 9.

Feb. 9, 1835. A Report on the Extent of Executive Patronage.

See Life, p. 55, and "Speeches," &c., No. 10.

Feb. 4, 1836. A Report on that portion of the President's Message which related to the adoption of efficient measures to prevent the circulation of incendiary Abolition Publications through the mail.

See Life, p. 58, and "Speeches," &c., No. 11.

March 9, 1836. Speech on the Abolition Petitions.

See Life, p. 58, and "Speeches," &c., No. 12.

April 12, 1836. Speech on the Bill to Prohibit Deputy Postmasters from receiving or transmitting through the mail certain papers therein mentioned.

See Life, p. 58, and "Speeches," &c., No. 13.

Feb., 1837. Speech on the Reception of Abolition Petitions.

See Life, p. 58, and "Speeches," &c., No. 14.

May 28, 1836. Speech on the Public Deposites.

See "Speeches," &c., No. 15.

Jan. 2, 1837. Speech on the Bill for the Admission of Michigan.

See Life, p. 59, and "Speeches," &c., No. 16.

Jan. 5, 1837. Speech on the same subject.

See Life, p. 59, and "Speeches," &c., No. 17.

Sept. 19, 1837. Speech on the Bill authorizing an Issue of Treasury Notes.

See Life, p. 60, and "Speeches," &c., No. 18.

Oct. 3, 1837. Speech on his Amendment to separate the Government from the Banks.

See Life, p. 60, and "Speeches," &c., No. 19.

Feb. 15, 1838. Speech on the Sub-Treasury Bill.

See Life, p. 62, and "Speeches," &c., No. 20.

March 10, 1838. Speech on the same, in reply to Mr. Clay.

See Life, p. 62, and "Speeches," &c., No. 21.

March 22, 1838. Speech on the same, in reply to Mr. Webster.

See Life, p. 62, and "Speeches," &c., No. 22.

Feb. 22, 1839. Speech on the Bill to prevent the Interference of certain Federal Officers in Elections.

See Life, p. 64, and "Speeches," &c., No. 23.

Feb. 5, 1840. Speech on the Report of Mr. Grundy, of Tennessee, in relation to the Assumption of the Debts of the States by the Federal Government.

See Life, p. 65, and "Speeches," &c., No. 24.

- March 13, 1840. *Speech on his Resolutions in reference to the Case of the Enterprise.*
See Life, p. 65, and "Speeches," &c., No. 25.
- June 2, 1840. *Speech on the Bankrupt Bill.*
See Life, p. 65, and "Speeches," &c., No. 26.
- Jan. 12, 1841. *Speech on the Prospective Pre-emption Bill.*
See Life, p. 65, and "Speeches," No. 27.
- Jan. 23, 1841. *Speech on the Bill to Distribute the Proceeds of the Public Lands.*
See Life, p. 65, and "Speeches," &c., No. 28.
- Jan. 30, 1841. *Speech in reply to the Speeches of Mr. Webster and Mr. Clay on Mr. Crittenden's Amendment to the Pre-emption Bill.*
See Life, p. 65, and "Speeches," &c., No. 29.
- June 11, 1841. *Speech on the Case of M^r Leod.*
See Life, p. 68, and "Speeches," &c., No. 30.
- Aug. 24, 1841. *Speech on the Distribution Bill.*
See Life, p. 68, and "Speeches," &c., No. 31.
- Jan. 25, 1842. *Speech on the Treasury Note Bill.*
See Life, p. 68, and "Speeches," &c., No. 32.
- Feb. 28, 1842. *Speech in Support of the Veto Power.*
See Life, p. 68, and "Speeches," &c., No. 33.
- March 16, 1842. *Speech on Mr. Clay's Resolutions in relation to the Revenue and Expenditures of the Government.*
See Life, p. 68, and "Speeches," &c., No. 34.
- April 12, 1842. *Speech on the Loan Bill.*
See Life, p. 68, and "Speeches," &c., No. 35.
- Aug. 5, 1842. *Speech on the Passage of the Tariff Bill.*
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- Aug. 16, 1842. *Speech on the Treaty of Washington.*
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- Feb., 1843. *Speech on the Bill for the Occupation of the Oregon Territory.* 90
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